

DOCUMENTS ON KASHMIR PROBLEM

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Edited By
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India-Pakistan Conflicts

Contents

<i>Introduction</i>	xi
1. SINO—PAKISTAN BORDER AGREEMENT	1
1. Note of the Ministry of External Affairs of India, dated May 10, 1962, regarding China and the India Claim to Sovereignty over Kashmir.	1
2. Text of the Agreement.	5
3. Prime Minister Jawahar Lal Nehru's Statement in Lok Sabha on March 5, 1963.	10
4. Letter dated 10 May 1962 from the Ministry of Foreign Affairs of India to the High Commission of Pakistan in India.	13
5. Note dated 26 January 1963 from the High Commission, of India in Pakistan to the Ministry of External Affairs of Pakistan.	14
6. Note dated 5 March 1963 from the High Commission of India in Pakistan to the Ministry of External Affairs of Pakistan.	15
7. Letter dated 16 March 1963 from the representative of India A.B. Bhadkamkar to the President of the Security Council.	17
8. Prime Minister Jawahar Lal Nehru's Statement on Concentration of Chinese Troops in Tibet in Lok Sabha on, March 23, 1963.	21

9. Letter dated 30 March 1963 from the representative of China Liu Chieh to the President of the Security Council.	23
10. Letter dated 10 April 1963 from the representative of Pakistan Zabrulla Khana to the President of the Security Council.	24
11. Note dated 30 September 1963 from the Ministry for External Affairs of India to the Embassy of the People's Republic of China, New Delhi.	33
 2. INDIA—PAKISTAN CONFLICT 1965	 35
1. Report of the Secretary-General on the Current situation in Kashmir with Particular reference to the cease-fire agreement, the cease-fire line and the functioning of the United Nations Military Observation Group in India and Pakistan 3rd September 1965.	35
2. The Text of the Prime Minister Lal Bahadur Shastri's broadcast on 3 September 1965.	53
3. The Text of Lal Bahadur Shastri's letter dated 4 September 1965 to U. Thant.	58
4. Reactions on the India—Pakistan Conflict of 1965.	63
5. Correspondence Exchange between Prime Minister Lal Bahadur Shastri and U. Thant, Secretary-General of the United Nations 12 September, 1965.	79
6. The Text of Lal Bahadur Shastri's Statement in Both Houses of Parliament on 17 September 1965.	89
7. The Text of Lal Bahadur Shastri's Statement in the Lok Sabha on 22 September 1965 on the ceasefire.	93
8. The Text of the President Radhakrishnan's broadcast on 25 September 1965.	96

9. The Text of Lal Bahadur Shastri's Statement in Parliament on 5 November 1965.	101
10. The Letter of October 22 to the permanent representative of India conveying a Message to the Prime Minister of India.	108
11. The letter of the External Affairs Minister, Mr. Swaran Singh to the UN Secretary-General about the Security Council resolution of September 4, 1965, on Kashmir.	110
12. The Text of Mr. Swaran Singh's First Letter Addressed to the President of the Council, Mr. Hector Paysee Reyes.	116
13. Tashkent Summit.	119
14. Tashkent Declaration of 1966.	123
(a) The Text of a Radio Broadcast given by the Minister of External Affairs Sardar Swaran Singh, on January 15, 1966 on the Tashkent Declaration.	125
(b) Statement of Pakistan President Ayub Khan on Tashkent Declaration (14 January 1966).	129
(c) Statement of Shri Swaran Singh in the Lok Sabha on Tashkent agreement, February 21, 1966.	133
(d) The Minister of External Affairs, Sardar Swaran Singh's Statement in the General Assembly of the United Nations on September 29, 1966.	141
(e) Statement of the Foreign Minister of Pakistan dated 1 August 1968.	146
15. Indo—Pakistan Agreement of 22 January 1966 on with drawal of Troops.	147
16. Record of Discussion held on 10 February 1966, between the Chief of Army Staff, India and the Commandar-in-Chief, Pakistan Army, regarding the Reduction of Military Forces in Kashmir.	153

3. INDIA—PAKISTAN CONFLICT 1971.	155
1. Report of the Secretary-General on the Situation along the cease-fire line in Kashmir.	155
2. Text of the Agreement on Bilateral Relations between India and Pakistan Signed at Shimla on 2 July 1972.	163
3. Prime Minister Indira Gandhi's Speech on the Simla Agreement in the Rajya Sabha on August 2, 1973.	166
4. Shimla Agreement.	174
4. KASHMIR ACCORD OF 13 NOVEMBER 1974.	177
5. JOINT COMMUNIQUE 29 DECEMBER 1962.	180
1. Joint Communique of 29 December 1962.	180
2. Joint Communique of 19 January 1962.	181
3. Joint Communique of 11 February 1963.	182
4. Joint Communique of 15 March 1963.	183
5. Joint Communique of 23 April 1963.	184
6. Joint Communique of 16 May 1963.	185
7. Joint Communique of Pakistan—China Issued on February 23, 1964.	185
8. India-Pakistan Joint Communique of 2 March 1966.	186
9. China-Pakistan Joint Communique of 31 March 1966.	187

Introduction

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of national consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this antifeudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency, of 1931 awakened the national aspirations of the Kashmiris, which ultimately helped in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and submitted a memorandum to the Cabinet Mission of 1946

demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India". When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people...the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right". The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress president that people in Kashmir were groaning under the reign of terror. Mahatama Gandhi visited Kashmir in August 1947 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade and the peoples' militia to defeat the aggression of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyen of nationalism, succeeded in restoring Hindu-Muslim harmony in the

valley when the rest of India was burning by communal holocaust. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah, and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 [S/628]. Pakistan made counter complaint [S/646] but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government". After debate the Security Council passed two resolution [S/651 and S/654]. It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts [S/1100; S/1196, and, S/1430]. Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 6 January 1949 dealing with the plebiscite. The cease-fire came into effect by 1 January 1949 and a cease-fire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The security Council then appointed mediators. In 1949 General McNaughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite [S/1791]. Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate, however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611, S/2783 and S/2967.

In July-August 1953 and in May 1955 the Prime Minister of

both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting any change in the new constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite [SCOR, 12th Yr., Mtg. 761]. Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. [SCOR, 12th Yr. Mtgs. 762, 723 and 794]. The Security Council favoured plebiscite by adopting a resolution [S/3739] on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, [S/2821].

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-co-operation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Mookerjee called this policy as 'national liability'. This non-co-operation was also supported by Jayaprakash Narayan and Acharya Kirpalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second".

President Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashokar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogey against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of 1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Haq, Prime Minister Benazir Bhutto. Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United Nations

official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents, to prove their authenticity the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library New Delhi for the help rendered to us during our visits there.

1

Sino-Pakistan Border Agreement

1. Note of the Ministry of External Affairs of India, dated May 10, 1962, regarding China and the Indian Claim to Sovereignty over Kashmir

The Indian Government in its note has gone to the length of lodging a protest with the Chinese Government against Sino-Pakistan negotiations for a provisional boundary agreement and wantonly slandering and intimidating China. The Chinese Government categorically rejects the unjustifiable protest of the Indian Government and, from the Indian Government's completely unreasonable attitude of imposing its will on others, cannot but draw with regret the conclusion that the Indian Government is bent on making use of the Sino-Pakistan negotiations to whip up anti-Chinese sentiments and aggravate the tension between China and India.

The Indian note alleges that the Chinese Government accepted without reservation the position that Kashmir is under Indian sovereignty, that there is no common boundary between China and Pakistan, and that therefore China has no right to conduct boundary negotiations with Pakistan. This allegation is totally untenable. When did the Chinese Government accept without any reservation the position that Kashmir is under Indian sovereignty? The Indian Government could not cite

any official Chinese document to prove this arbitrary contention but, basing itself solely on the guesswork and impression of Indian diplomatic officials who have been to China, insisted that Chinese Government authorities had made statements to that effect. This is not only a unilateral misrepresentation of fact but a conclusion imposed on others, to which the Chinese Government categorically objects. There is a boundary of several hundred kilometres between China's Sinkiang and the areas the defence of which is under the control of Pakistan, and it has never been formally delimited and demarcated. If one does not shut his eyes to the facts, how can he assert that there is no common boundary between China and Pakistan? Since both China and Pakistan are sovereign states, why cannot China conduct negotiations with Pakistan to settle the question of the actually existing common boundary so as to maintain tranquillity on the border and amity between the two countries? Long before it agreed with the Government of Pakistan to negotiate the boundary question, the Chinese Government had repeatedly proposed, and now still proposes, to conduct negotiations with the Indian Government for the settlement of the Sino-Indian boundary question. But the Indian Government has again and again turned down China's proposal, consequently the Sino-Indian boundary question remains unsettled and the situation on the Sino-Indian border becomes increasingly tense. Now the Indian Government not only refuses itself to negotiate a settlement of the boundary question with China, but objects to China's negotiating a boundary settlement with Pakistan. Does it mean that the Indian Government, after creating the Sino-Indian boundary dispute, wishes to see a similar dispute arise between China and Pakistan?

The boundary negotiations between China and Pakistan do not at all involve the question of the ownership of Kashmir. The agreement between the Governments of China and Pakistan made it crystal clear that after the settlement of the dispute between Pakistan and India over Kashmir, the sovereign authorities concerned shall reopen negotiations with the Chinese Government on the question of the Kashmir boundary

so as to conclude a formal boundary treaty to replace the provisional agreement to be signed after the Sino-Pakistan negotiations. The signing of such an agreement will only help maintain tranquillity on the existing boundary between China and Pakistan, and will in no way prejudice a peaceful settlement of the Kashmir dispute between India and Pakistan. The Indian Government is wholly unjustified in objecting to boundary negotiations between China and Pakistan on the pretext of the Kashmir dispute.

With regard to the Kashmir dispute, it has been the consistent position of the Chinese Government to be impartial and to wish that India and Pakistan will reach a peaceful settlement. This has been, and still is, the Chinese position. The Indian Government is clearly aware of this. Suffice it to point out the fact that Premier Chou En-lai declared at a press conference in Calcutta on December 9, 1956, that the Chinese Government considered the Kashmir question "an outstanding issue between India and Pakistan". Furthermore, Premier Chou En-lai, together with the late Prime Minister Bandaranaike of Ceylon, made an appeal in their joint statement issued on February 5, 1957, to India and Pakistan to strive further for a peaceful settlement of the Kashmir question. This attitude of the Chinese Government of never getting involved in the dispute over Kashmir can in no way be distorted and is well-known throughout the world.

The Chinese Government has always refrained from making any remarks on the historical background of the Kashmir question. Nevertheless, the Kashmir question is after all a dispute between two legal governments, those of India and of Pakistan. China has diplomatic relations with India and also with Pakistan, and India, too, has diplomatic relations with Pakistan. The Chinese Government only hopes that this dispute between India and Pakistan will be settled by them peacefully, and has always been against anyone taking advantage of it to sow discord in the relations between the two countries. So far as China is concerned, nothing would be better than a peaceful settlement of this dispute by India and Pakistan through negotiation. However, more than ten years have passed and despite the best wishes and expectations all along cherished

by China, this dispute between India and Pakistan remains unsettled. In these circumstances, anyone with common sense can understand that the Chinese Government cannot leave unsettled indefinitely its boundary of several hundred kilometres with the areas the defence of which is under the control of Pakistan merely because there is a dispute between India and Pakistan over Kashmir. It is entirely necessary, proper, legitimate and in accordance with international practice for the Chinese Government to agree with the Government of Pakistan to negotiate a provisional agreement concerning this boundary pending a final settlement of the Kashmir question. What fault can be found with this? Yet in its note the Indian Government rudely slanders the Chinese Government's agreeing to open negotiations with Pakistan as taking advantage of the difference between India and Pakistan and committing aggression against India. But unreasonable assertions can never hold water. The fact, on the contrary, is that the Indian Government itself is seeking to make use of the boundary question to sow discord in the relations between China and Pakistan. On May 7, 1962, Prime Minister Nehru openly admitted in the Indian Parliament that "we treated the Pakistan Government in a friendly way in these matters because we thought that any action which they might take should be in line with the action we were taking in regard to this border and should not conflict". Small wonder that the Indian Government should get so excited about Sino-Pakistan negotiations! Its scheme to sow discord in the relations between China and Pakistan has failed!

The excitement of the Indian Government will only bring results contrary to its expectations. Anyone in the world with common sense will ask: Since the Burmese and Nepalese Governments can settle their boundary questions with China in a friendly way through negotiations and since the Government of Pakistan has also agreed with the Chinese Government to negotiate a boundary settlement, why is it that the Indian Government cannot negotiate and settle its boundary question with the Chinese Government? Such a common sense query is indeed rather embarrassing. But it is useless to get furious with China. As in the past, the Chinese Government still stands for a friendly settlement of the Sino-Indian boundary

question through peaceful negotiations. The Indian Government's unenviable situation on this matter is of its own making. For example, the Indian Government's note says: "It is the India-China boundary which starts from the tri-junction of the boundaries of India, China and Afghanistan . . . and runs eastward up to the tri-junction of the boundaries of India, Burma and China". Pray, what kind of an assertion is that? Not only are the areas the defence of which is under the control of Pakistan negated, but even Nepal no longer exists, Sikkim no longer exists, and Bhutan no longer exists! This is out-and-out great-power chauvinism. The Indian Government should realize that it is now in the sixties of the 20th century and that the cursed era in which great powers controlled everything has gone for ever. Anyone who persists in an attitude of great-power chauvinism in international affairs will always knock his head against a stone wall.

The Chinese Government is deeply convinced that it is a good thing to hold boundary negotiations between China and Pakistan, which are in the interest of both friendship among Asian countries and peace in Asia. No slander of any kind can ever distort this fact. The position of the Chinese Government is not difficult for any reasonable person to understand. One who tries to make use of Sino-Pakistan negotiations to whip up anti-Chinese sentiments will only be lifting a rock to crush his own toes in the end. The Chinese Government hopes that the Indian Government will coolly think it over. Would it not be better to make some earnest effort towards a peaceful settlement of the Sino-Indian boundary question, rather than wasting its strength in such fruitless quarrel?

The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Embassy of India in China the assurances of its highest consideration.

31st May, 1962

2. Text of the Agreement

The Government of the People's Republic of China and the Government of Pakistan.

Having agreed, with a view to ensuring the prevailing peace and tranquillity on the border, formally to delimit and demarcate the boundary between China's Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan, in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, and on the basis of Ten Principles, as enunciated in the Bandung Conference;

Being convinced that this would not only give full expression to the desire of the peoples of China and Pakistan for developing good-neighbourly and friendly relations, but also help safeguard Asian and world peace;

Have resolved for this purpose to conclude the present Agreement and appointed as their respective plenipotentiaries, the following:

Marshal Chen Yi, Minister for Foreign Affairs, for the Government of the People's Republic of China,

Zulfiqar Ali Bhutto, Minister of External Affairs, for the Government of Pakistan.

Who, having mutually examined their full powers, found them to be in good and due form, have agreed upon the following:

Article One

In view of the fact that the boundary between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan, has never been formally delimited, the two Parties agree to delimit it on the basis of the traditional customary boundary line, including natural features, and in a spirit of equality, mutual benefit and friendly co-operation.

Article Two

In accordance with the principle expounded in Article One of the present Agreement, the two parties have fixed, as follows, the alignment of the entire boundary line between Chinese Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan.

Commencing from its north-western extremity at height 5,630 metres (a peak, the reference co-ordinates of which are approximately longitude $74^{\circ}34'$ E and latitude $37^{\circ}03'$ N), the boundary line runs generally eastward and then south-eastward strictly along the main watershed between the tributaries of the Tashkurgan River of the Tarim River system on the one hand and the tributaries of the Hunza River of the Indus River system on the other hand, passing through the Kilik Daban (Dawan), the Mintaka Daban (Pass), the Kharchanai Daban (named on the Chinese map only), the Kutejilga Daban (named on the Chinese map only), and the Parpiik Pass (named on the Pakistan map only), and reaches the Khunjerab (Yutr) Daban (Pass).

After passing through the Khunjerab (Yutr) Daban (Pass) the boundary line runs generally southward along the above mentioned main watershed up to a mountain-top south of the Daban (Pass), where it leaves the main watershed to follow the crest of a spur lying generally in a south-easterly direction, which is the watershed between the Akujiga River (a nameless corresponding river on the Pakistan map) on the one hand, and the Taghdumbash (Oprang River) and the Keliman Su (Oprang Jilga) on the other hand. According to the map of the Chinese side, the boundary line, after leaving the south-eastern extremity of this spur, runs along a small section of the middle line of the bed of the Keliman Su to reach its confluence with the Kelechin River. According to the map of the Pakistan side, the boundary line, after leaving the south-eastern extremity of this spur reaches the sharp bend of the Shaksgam or Muztagh River.

From the aforesaid point, the boundary line runs up the Kelechin River (Shaksgam or Muztagh River) along the middle line of its bed to its confluence (reference co-ordinates approximately longitude $76^{\circ}02'$ E and latitude $36^{\circ}26'$ N) with the Sorbulak Daris Shimshal River or Braldu River.

From the confluence of the aforesaid two rivers, the boundary line, according to the map of the Chinese side, ascends the crest of a spur and runs along it to join the Karakoram Range main watershed at a mountain-top (reference

co-ordinates approximately longitude 75°54' E and latitude 36°15' N) which on this map is shown as belonging to the Shorbulak Mountain. According to the map of the Pakistan side, the boundary line from the confluence of the above-mentioned two rivers seconds the crest of a corresponding spur and runs along it, passing through height 6,520 metres (21,390 feet) until it joins the Karakoram Range main watershed at a peak (reference co-ordinates approximately longitude 75°57' E and latitude 36°03' N).

Thence the boundary line, running generally southward and then eastward, strictly follows the Karakoram Range main watershed which separates the Tarim River drainage system from the Indus River drainage system, passing through the last Mustagh Pass (Muztagh Pass), the top of the Chogri Peak (K2), the top of the Broad Peak, the top of the Gasherbrum Mountain (8,068), Indirakoli Pass (named on the Chinese map only) and the top of the Teram Kangri Peak, and reaches its south-eastern extremity at the Karakoram Pass.

The alignment of the entire boundary line, as described in Section I of this article, has been drawn on the 1/1,000,000 scale map of the Chinese side in Chinese and the 1/1,000,000 scale map of the Pakistan side in English, which are signed and attached to the present Agreement.

In view of the fact that the maps of the two sides are not fully identical in their representation of topographical features, the two Parties have agreed that the actual features on the ground shall prevail, so far as the location and alignment of the boundary described in Section I is concerned; and that they will be determined as far as possible by joint survey on the ground.

Article Three

The two Parties have agreed that:

Wherever the boundary follows a river, the middle line of the river bed shall be the boundary line; and that

Wherever the boundary passes through a Daban (Pass), the water-parting line thereof shall be the boundary line.

Article Four

The two Parties have agreed to set up, as soon as possible, a Joint Boundary Demarcation Commission. Each side will appoint a Chairman, one or more Members and a certain number of Advisers and technical staff. The Joint Boundary Commission is charged with the responsibility, in accordance with the provisions of the present Agreement, to hold concrete discussions on and carry out the following tasks jointly:

To conduct necessary surveys of the boundary area on the ground, as stated in Article Two of the present Agreement, so as to set up boundary markers at places considered to be appropriate by the two Parties and to delineate the boundary line on the jointly prepared accurate maps.

To draft a Protocol setting forth in detail the alignment of the entire boundary line and location of all the boundary markers and prepare and get printed detailed maps to be attached to the Protocol with the boundary line and the location of the boundary markers shown on them.

The aforesaid Protocol, upon being signed by the representatives of the Governments of the two countries, shall become an annex to the present Agreement, and the detailed maps shall replace the attached maps to the present Agreement.

Upon the conclusion of the above-mentioned Protocol, the tasks of the Joint Commission shall be terminated.

Article Five

The two Parties have agreed that any dispute concerning the boundary which may arise after the delimitation of the boundary line actually existing between the two countries shall be settled peacefully by the two sides through friendly consultations.

Article Six

The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China, on the boundary, as

described in Article Two of the present agreement, of Kashmir, so as to sign a Boundary Treaty to replace the present Agreement.

Provided that in the event of that sovereign authority being Pakistan, the provisions of this Agreement and of the aforesaid Protocol shall be maintained in the formal Boundary Treaty to be signed between Pakistan and the People's Republic of China.

Article Seven

The present Agreement shall enter into force on the date of its signature.

Done in duplicate in Peking on 2 March 1963 in the Chinese and English language, both texts being equally authentic.

(Signed) MARSHAL CHEN YI
*Plenipotentiary of the Government
of the People's Republic of China*
(Signed) ZULFIQAR ALI BHUTTO
*Plenipotentiary of the Government
of Pakistan*

3. Prime Minister Jawahar Lal Nehru's Statement in Lok Sabha on March 5, 1963

Replying to a Call-attention Notice regarding the Sino-Pakistan border agreement, the Prime Minister Shri Jawahar Lal Nehru made the following statement in Lok Sabha on March 5, 1963:

As the House is aware, the representatives of the Governments of Pakistan and the People's Republic of China have signed what has been described as an agreement regarding the alignment of the boundary between Sinkiang and that part of the Indian territory in Jammu and Kashmir which is under Pakistan's illegal occupation. Details of the agreement have already appeared in the press. A copy of the agreement as released by the Government of Pakistan in Karachi is being laid on the Table of the House.

According to details released officially in Karachi, the

Government of Pakistan first informally sounded China and then sent a diplomatic note on March 28, 1961, expressing the desire to negotiate demarcation of the boundary. The Chinese Government reacted formally to this offer, about a year later, that is in February, 1962. On May 3, 1962 the Governments of Pakistan and China issued a joint communique, in which they agreed to conduct negotiations on the subject. We protested against this development to both Governments. In view of these developments, our representative in the Security Council stated our position, authoritatively, during the debates on Kashmir, on May 4 and June 22, 1962.

On the eve of the Indo-Pakistan talks on Kashmir and other related matters, the Governments of China and Pakistan announced an agreement, in principle, on the alignment of the border of the illegally occupied area of Kashmir with Sinkiang. Sardar Swaran Singh, Leader of the Indian Delegation, immediately made our position clear to President Ayub Khan and Mr. Bhutto in Rawalpindi, and again to Mr. Bhutto, later, when the talks were resumed in Delhi, in January last. On January 26, we lodged a protest with the Government of Pakistan against the decision announced in the joint communique issued by them on December 28, 1962. Another protest is being lodged with the Government of Pakistan against the signing of this Sino-Pakistan border alignment agreement in Peking.

It has been stated in Karachi that the difference between the Chinese claim line and the Pakistan claim line was 3,400 square miles. In the final agreement, Pakistan claims to have received 1,350 square miles, including 700 square miles of area which was in China's possession. The Chinese have been given 2,050 square miles under the agreement.

According to the Survey of Pakistan maps, even those published in 1962, about 11,000 square miles of Sinkiang territory formed part of Kashmir. If one goes by these maps, Pakistan has obviously surrendered over 13,000 square miles of territory.

Although, according to the agreement, the parties have agreed to delimit the boundary on the basis of the traditional

customary boundary line, including natural features, the boundary, as agreed to, does not do so. The Pakistan line of actual control, according to the map, which the Government of Pakistan had supplied to our High Commission, lay across the Kilik, Mintaka, Khunjerab Passes; but thereafter, the line left the watershed and followed neither the Aghil Rangee, which is the traditional boundary, nor the Karakoram Range along which the alignment claimed by the Government of China lay. In fact, the Pakistan line of actual control ran along no definite natural features, but cut across the tributaries of the Shaksgam river and sometimes lay half way up the slopes. It then reached the Karakoram Pass. Running south of the traditional alignment, the Pakistan line of actual control surrendered about 1,600 square miles to China. The difference between the Pakistan and Chinese alignments was about 2,100 square miles.

The agreement claims to be provisional, and yet so much haste has been shown in concluding it. It is significant that it is not subject to ratification. Thus the National Assembly, the Press and the public of Pakistan have been given and will be given no opportunity to examine the terms of this agreement.

I have already stated in this House, that we are, naturally anxious to have a settlement with Pakistan; but I cannot help feeling that the joint announcement on December 26, the Pakistan Government's announcement on February 22, to sign the border agreement in Peking, and finally the signing of this agreement have been timed to prejudice the outcome of the joint talks on Kashmir and other related matters. However, as an earnest of our desire for an honourable and equitable settlement with Pakistan, we propose to continue with the talks in Calcutta. I have also stated that a settlement does not mean that we accept whatever is proposed by Pakistan—right or wrong. We cannot abandon the principles we have always valued.

The other party to the agreement, namely China, in spite of its professions that it has never involved itself in the dispute over Kashmir or its absurd claim that the boundary negotiations have promoted friendship between the Chinese and

Pakistani peoples and are in the interests of Asia and world peace, is directly interfering in Indo-Pakistan relations. By doing this, China is seeking to exploit differences between India and Pakistan on the Kashmir question to further its own expansionist policy. The Government of India have made their position clear in a protest against this agreement which has been lodged with the Government of the People's Republic of China.

(Source: Foreign Affairs Record)

4. Letter Dated 10 May 1962 from the Ministry of Foreign Affairs of India to the High Commission of Pakistan in India

The Ministry of External Affairs present their compliments to the High Commission of Pakistan in India and have the honour to state that according to a *communiqué* issued by the Government of Pakistan on 3 May 1962, the Governments of Pakistan and China have agreed to enter into negotiations to locate and align that portion of boundary between India and China west of the Karakoram Pass which is presently under Pakistan's unlawful occupation.

When earlier reports about these proposed negotiations appeared in the Pakistan Press, the Acting High Commissioner of India had, in his letters dated 4 May 1961 and 12 June 1961 to the Foreign Secretary to the Government of Pakistan, conveyed the surprise and concern of the Government of India and pointed out that these reports were confusing as Pakistan and China had no common boundary between them. The Acting High Commissioner of India had also taken the precaution to warn the Government of Pakistan that the Government of India would not be bound by the results of any such bilateral discussions between Pakistan and the People's Republic of China, should these discussions concern the boundaries of the State of Jammu and Kashmir.

Despite numerous reports in the Press and the Pakistan Government's refusal to provide the clarification sought from them, the Government of India had all this time been disinclined to believe that the Government of Pakistan would in fact

enter into negotiations with China in respect of the territory of the State of Jammu and Kashmir which forms an integral part of the Indian Union. The Government of Pakistan are obviously not entitled to negotiate with China or any other country about territory that is not their own.

As the Government of Pakistan are aware, the international boundary alignment in the sector west of the Karakoram Pass of the boundary of Jammu and Kashmir State of India follows well-known natural features, has been recognized in history for all these years, and does not require fresh delimitation. The position regarding this boundary was made clear in the note delivered to the Pakistan Government at the time of the Indian Prime Minister's visit to Pakistan in September 1960. The Government will never agree to any arrangements, provisional or otherwise, between the Governments of China and Pakistan regarding territory which constitutes an inalienable part of the Indian Union.

The Government of India lodge emphatic protest with the Government of Pakistan and warn them of the grave consequences of their action.

5. Note Dated 26 January 1963 from the High Commission of India in Pakistan to the Ministry of External Affairs of Pakistan

The High Commission of India in Pakistan presents its compliments to the Ministry of External Affairs and has the honour to refer to the *communiqué* issued by the Pakistan and Chinese Governments on 26 December 1962 on their agreement in principle on the alignment of the border between China (Sinkiang) and the territory of Kashmir illegally occupied by Pakistan.

The High Commission has been instructed to express the Government of India's surprise and concern at the Government of Pakistan being a party to this *communiqué*, and to forward a copy of the Government of India's protest lodged with the Government of the People's Republic of China.

Note Delivered on 31 December 1962 by the Ministry of External Affairs of India to the Embassy of the People's Republic of China

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honour to refer to the *communiqué* issued by the Chinese and Pakistan Governments on 26 December 1962 on their agreement in principle on the alignment of the border between China (Sinkiang) and the territory of Kashmir illegally occupied by Pakistan.

In their note of 30 June 1962, the Government of India had drawn attention to the attempts of the Chinese Government to exploit for its own ends the differences on Kashmir between the Indian and Pakistan Governments. Despite the assertion by the Chinese Government that it does not wish to become involved in the dispute, the calculated release of this *communiqué* at a time when delegations from India and Pakistan were attempting to resolve their differences on Kashmir and related matters is clear evidence of China's desire to exploit Indo-Pakistan differences for its own selfish and expansionist designs.

The joint *communiqué* is a brazen attempt at legitimization of the gains of aggression in the hope that the Chinese Government will thereby secure Pakistan's support for Chinese aggression on India and the gains from this aggression.

The Government of India protest strongly against this aggressive and expansionist move by the Government of China. They repudiate firmly the validity of any agreement involving Indian territory between parties who have no legal or constitutional *locus standi* whatever in respect of this territory.

6. Note Dated 5 March 1963 from the High Commission of India in Pakistan to the Ministry of External Affairs of Pakistan

The High Commission of India presents its compliments to the Ministry of External Affairs and has the honour to

refer to the Sino-Pakistan border alignment agreement signed in Peking on 2 March 1963.

The High Commission has been instructed to lodge an emphatic protest against this agreement and to forward a copy of the Government of India's protest dated 2 March 1963, lodged with the Government of the People's Republic of China.

Note Dated 2 March 1963 from the Ministry of External Affairs of India to the Embassy of the People's Republic of China

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honour to refer to the Chinese Government's note dated 21 February 1963, regarding boundary negotiations between the Governments of China and Pakistan.

The Government of India reiterate their deep concern at the Chinese Government's persistence in continuing their arbitrary and illegal efforts to "locate and align the boundary" between China and the areas of Kashmir which have been illegally occupeid by Pakistan. As has been stated repeatedly by the Government of India, any such illegal arrangements involving Indian territory between parties that have no legal or constitutional *locus standi* is invalid and unacceptable to the Government of India.

The Chinese note asserts that the Chinese Government "has never involved itself in the Indo-Pakistan dispute over Kashmir". This assertion is directly contradicted by the actions of the Chinese Government in entering into negotiations with Pakistan though there is no common border between Pakistan and China. Equally groundless and misleading is the further assertion that "the Sino-Pakistan boundary negotiations and the related agreement have not at all touched upon the ownership of Kashmir". If Pakistan has no common border with China, and China and Pakistan nevertheless agree to locate and align a boundary in Kashmir, no further proof is needed to show that the Chinese objective is to come to terms with Pakistan on the question of the ownership of Kashmir and to involve itself in its neighbours dispute in the interests of

its expansionist and chauvinistic policies. The absurd claim made in the Chinese note that the boundary negotiation between Pakistan and China has "promoted the friendship between the Chinese and Pakistani people and is in the interests of Asia and world peace" is, therefore, nothing but an excuse—and a false excuse at that—for the pursuit of exactly the opposite objective, namely, China's insidious policy of poisoning the mutual relations between the countries of Asia and creating tensions and conflict in this region.

In spite of these facts which show direct interference by the Peking Government with Indo-Pakistan relations, the note expresses the insincere hope that the "two sister countries, India and Pakistan, will be able to solve their disputes peacefully". This clearly confirms the fact mentioned in the earlier Indian note, that the boundary agreement manifests the Peking Government's desire to exploit the differences between India and Pakistan on the Kashmir question, to further its own expansionist interests.

It is thus clear that the responsibility for spoiling the relations between China and India and India and Pakistan is not that of India, but that of the Government of China, who are deliberately pursuing a policy intended to destroy the accord and amity which have been developing between India and Pakistan, as a result of the joint talks between the two countries on Kashmir and other related matters. The Chinese Government should certainly know that the statement in their note that "India, encouraged by certain Western Powers, has redoubled its efforts to entice Pakistan into a joint anti-Chinese campaign", is completely baseless, considering the widely known fact that Pakistan is a member of military pacts, including SEATO, which aims at the containment of Chinese expansionism in South-East Asia.

7. Letter dated 16 March 1963 from the representative of India A.B. Bhadkamkar to the President of the Security Council

Under instructions from my Government, I have the honour

to draw the attention of the Security Council to the Sino-Pakistan border agreement, signed in Peking on 2 March 1963, which unlawfully apports part of the Indian Union territory in Jammu and Kashmir between the two signatories—viz., Pakistan and China. A copy of the agreement is enclosed [annex I].

As the Council is aware, the situation created by Pakistani aggression in this part of India has been under its consideration ever since India's complaint was lodged with the Council in January 1948. In spite of the Government of Pakistan's earlier denials, the Council's own agencies, like the United Nations Commission for India and Pakistan, and the Council's representatives, like Sir Owen Dixon, came to the conclusion that Pakistan had first aided and assisted its nationals in invading Jammu and Kashmir and then sent its armed forces into the State. This was a violation of Indian sovereignty and of the Security Council resolution dated 17 January 1948, which both Pakistan and India had accepted. The Council, therefore, approved the United Nations Commission's resolution of 13 August 1948, which made a specific provision for the vacation of Pakistani aggression in the following clear terms:

"As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State."

Sir Muhammad Zafrulla Khan, Pakistan Representative, stated in the Security Council on 1 February 1962 [990th meeting], that Pakistan was committed to the withdrawal of its forces from Jammu and Kashmir. In spite of this commitment imposed by the Council on the Government of Pakistan, it is well known that Pakistani aggression continues, and has continued for fifteen years.

Apart from the continuing violation referred to in the preceding paragraph, the Government of Pakistan have again violated the resolution of the Security Council dated 17 January

1948, by entering into an agreement with the Government of China on the boundary between China's Sinkiang and Pakistan-occupied territory of the State of Jammu and Kashmir. That this has been done deliberately and in the full knowledge that it involves violation of India's sovereignty and of the resolution of the Security Council dated 17 January 1948, is clear from the facts stated in the following paragraphs 4, 5 and 6.

On 3 December 1959, the Permanent Representative of Pakistan to the United Nations, in a letter addressed to the President of the Security Council, while referring to the Chinese aggression in Ladakh and India's attempts to get this vacated by peaceful discussions stated that "no positions taken or adjustments made by either of the parties to the present controversy between India and China, or any similar controversy in the future, shall be valid or affect the status of the territory of Jammu and Kashmir..." This view was reiterated by him in another letter dated 24 March 1960, addressed to the President of the Security Council. And yet the Government of Pakistan, contrary to this stand of theirs, have now chosen to enter into this agreement with the Government of China in violation of the status of the territory of Jammu and Kashmir and the resolution of the Security Council dated 17 January 1948, accepted by the Governments of India and Pakistan.

The Government of Pakistan first informally sounded China and then sent a diplomatic note on 28 March 1961, expressing their desire to negotiate an agreement on the demarcation of this boundary. The Chinese Government reacted formally to this offer in February 1962. On 3 May 1962, the Governments of Pakistan and China issued a joint *communique*, in which they agreed to conduct negotiations on this subject. The Government of India formally protested to the Government of Pakistan on 10 May 1962 against this development. Copy of this protest note is attached [annex II]. It would also be relevant to point out that the Indian representative in the Security Council had stated the Government of India's position, authoritatively, during the debates on Kashmir on 4 May 1962 and 22 June 1962. In this statement on 4 May, he said:

"...Pakistan has entered into an agreement, if the *communique* is true, with China, in order to settle our borders. I

have said they have no right to dispose of property that is not theirs, and I want to say here on behalf of the Government of India that we shall not be bound by any agreement they may reach, temporarily, permanently or in any other way. We shall not be bound by it or by any agreement in which conditions are created inimical to the security of India. I want to submit that it is a violation of international law and a disregard of the resolutions of the Security Council to trade in the sovereignty of our territory..." [1011th meeting, para 167.]

On 26 December 1962, i.e., on the eve of the Indo-Pakistan talks on Kashmir and other related matters, the Governments of China and Pakistan chose to announce an agreement in principle on the alignment of the boundary of Pakistan-occupied Kashmir with Sinkiang. The leader of the Indian delegation pointed out the illegality of such an agreement to Field Marshal Ayub Khan, the President of Pakistan, and Mr. Z.A. Bhutto, the leader of the Pakistan delegation. On 26 January 1963, the Government of India lodged a formal protest [annex III] against the "agreement in principle" with the Government of Pakistan. In spite of their having been made aware of the illegality of the contemplated agreement, the Government of Pakistan have signed an agreement with China about an area in which both these countries have no *locus standi*, except that of aggressors. The Government of India lodged a protest against the signing of this agreement with the Government of Pakistan on 5 March 1963. Copies of these protest notes are attached for reference [annex IV].

In view of the conflicting claims by Pakistan, it is not clear how much Indian territory Pakistan has unlawfully ceded to China, although it is known to be not less than 2,000 square miles. The agreement claims to be provisional, and yet it is not subject to ratifications.

By signing this agreement, the Government of Pakistan has unilaterally altered, not only in its own favour but also in favour of another aggressor, China, the basis of the Security Council resolution of 17 January 1948, and the United Nations Commission for India and Pakistan's resolution of 13 August

1948. The aggressor on whom an obligation had been imposed to vacate his aggression had not only assumed ownership of the part he has unlawfully occupied by invasion, but has traded in the sovereignty of Indian territory, in collusion with China, to the detriment of the territorial integrity and the security of India.

It is requested that this communication be brought to the notice of the members of the Security Council.

(Signed) A. B. BHADKAMKAR
Charged' Affaires
of the Permanent Mission of India
to the United Nations

(Source: UN Document no. S/5263)

8. Prime Minister Jawahar Lal Nehru's Statement on Concentration of Chinese Troops in Tibet in Lok Sabha on March 23, 1963

On the 1st of March, the Ministry of National Defence of the People's Government of China issued a statement that their troops had withdrawn, along, the entire India-China border on China's own initiative and that this withdrawal had been completed by the end of February 1963. The withdrawal was to points 20 kms. beyond what the Chinese claimed as the 'Line of Actual Control'. The statement added that the Chinese forces were "now far behind their positions on September 8, 1962."

On the 3rd March, I received a message from Prime Minister Chou En-lai referring to this unilateral action taken by the Chinese Government and stating, "In order to promote direct Sino-Indian negotiations, the Chinese Government has done all that is possible for it to do. . . . Therefore, I do not think there should be any more reason to delay the holding of talks between Chinese and Indian officials". I sent a reply to Prime Minister Chou En-lai on 5th March in which I pointed out that "the obvious thing if the Government of China are sincere in their professions regarding peaceful settlement, is to accept the Colombo, Conference proposals without reservations just as

the Government of India have done. We can go to the second stage of talks and discussions only thereafter”.

Since these exchanges took place, certain other developments have occurred. One was the signing of the Sino-Pakistan Border Agreement in Peking on 2nd March. During the last fortnight we received several notes from the Government of China. Despite their peaceful professions, the Government of China chose to use sharp and provocative language in these notes, one or two of them being actually scurrilous in tone. We have replied to these notes and contradicted the false allegations made.

We have also received reliable information of additional induction of troops into Tibet, of projects of further road construction along our borders and of the requisition of Tibetan villagers, pack animals etc., by Chinese Armed Forces in Tibetan areas to the north of our border. Though the Chinese forces have withdrawn 20 kms. from what they call the line of actual control, their concentration beyond this narrow-strip continues unchanged.

There are other factors of recent developments which make it difficult to believe in repeated Chinese professions of their desire for peaceful settlement. The Chinese Government have, so far, declined to accept the Colombo proposals. The statement by the Ministry of National Defence of China of 1st March referred to earlier, ends up with a warning that “although the Chinese Frontier Guards have withdrawn from the line of actual control as of November 7, 1959, we have not given up our right to self-defence”. This reference to “self-defence” in the context of what happened in October and November 1962, coupled with Marshal Chen Yi’s statement in a television interview to the Swedish Broadcasting Corporation that “judging from the present attitude of the Indian Government, provocative actions on the part of Indian troops will occur from time to time”, may as well mean that the Chinese authorities are contemplating further aggressive action at a time of their own choosing.

We have, therefore, to be prepared to meet any eventuality that may arise. I hope, however, that the Government of China

will, consistent with their peaceful professions, respond to the unanimous proposals made by the Colombo countries and accept the Colombo proposals without reservations as a first step towards the resolving of the India-China border differences by peaceful means.

(Source: *Foreign Affairs Record*)

9. Letter dated 30 March 1963 from the representative of China Liu Chieh to the President of the Security Council

I have the honour, upon instructions, to refer to Security Council document S/5263 dated 18 March 1963, in which was reproduced the letter addressed to you by the *charge d'affaires* of the delegation of India, dated 16 March 1963, on the so-called border agreement concluded by Pakistan with the Communists in my country.

It may be recalled that, at the 1012th meeting of the Security Council held on 15 June 1962 for the consideration of the India-Pakistan question, my delegation, with reference to the negotiations reportedly going on at that time between Pakistan and the Chinese Communists, put on record the position of my Government that "the result of such negotiations, if any, will not be binding on my Government and on the people of China", inasmuch as the Chinese Communists cannot represent the Chinese people and have no right to conclude any treaty or agreement with any country in the name of China. That is the position of my Government in regard to the so-called border agreement referred to above.

In the letter of the *charge d'affaires* of India, references are made to Chinese aggression. In this connexion. I wish to observe that the Chinese Communist military activities in the border area between China and India are incompatible with the peaceful traditions of the Chinese people and that my Government has repeatedly condemned the use of force in disputes over unsettled boundaries. Whatever wrongs may have been done must be attributed, not to the Chinese people, but to the inherent aggressiveness of the Chinese Communists whose

policy and tactics have consistently been to threaten the security of neighbouring countries by infiltration, subversion and resort to force.

It is requested that this communication be transmitted to the members of the Security Council.

(Signed) LIU CHIEH
*Permanent Representative of China
to the United Nations*

(Source: UN Document no. 5/5275)

10. Letter dated 10 April 1963 from the representative of Pakistan Zabrulla Khan to the President of the Security Council

Under instructions from my Government, I have the honour to refer to the letter dated 16 March 1963 from the charge d'affaires of the Permanent Mission of India addressed to the President of the Security Council and to state that allegations contained mainly in its paragraphs 1, 3, 4 and 8 are without any basis in fact and in law, while those in paragraph 2 seek to misrepresent certain facts that are on the record of the United Nations.

The letter under reference, if analysed, seems to attack the border agreement between the Governments of Pakistan and of the People's Republic of China on four grounds, all of which equally lack validity. The first ground, to quote the Indian representative, is that the agreement "unlawfully apports part of the Indian Union territory in Jammu and Kashmir between the two signatories". The second is that the conclusion of the agreement violates the resolution of the Security Council dated 17 January 1948 which was accepted by both India and Pakistan. The third is that the agreement unilaterally alters, in favour of China and Pakistan, the United Nations Commission for India and Pakistan's resolution of 13 August 1948. The fourth is that the agreement contradicts the stand taken by my Government in our communication of 3 December 1959 addressed to the President of the Security Council.

It is out of deference to the Security Council and courtesy

to the Government of India, and not because of the merits of these contentions, that I have been instructed by my Government to submit an answer in some detail.

As regards the first allegation, there is hardly any need to labour the evident point that the agreement does not, either lawfully or "unlawfully", "apportion" any part of the Indian Union territory to either Pakistan or to China. The territory involved is that of Jammu and Kashmir, which, of course, is not the territory of the Indian Union. Then again, there is no apportionment of territory involved because the agreement merely seeks formally to delimit and demarcate a boundary on the basis of the traditional customary line including natural features. The text of the agreement, enclosed with the Indian representative's letter, makes it clear that its purpose is an agreed comprehension of the exact location and alignment of a hitherto undelimited boundary so as to prevent the tranquillity on the border from being adversely affected through misunderstanding. It is a sombre irony that a move of this kind towards the insurance and consolidation of peace in a large and sensitive region should be protested by the Government of India, a Government which has been so anxious to build for itself a reputation as a champion of peace.

The second Indian allegation regarding the violation of the Security Council's resolution of 17 January 1948 is of a character which, from a different source, would merit being described as plainly disingenuous. In the first place, the resolution called upon India and Pakistan "to take... all measures... calculated to improve the situation" and to refrain from any statements or actions "which might aggravate the situation". An agreement to delimit and demarcate a boundary with a foreign Power in order to avoid any misunderstanding which could possibly lead to a breach of the peace is evidently a measure to improve a situation, not to aggravate it. The fact that, on its part, India has been either unwilling or unable to accomplish a similar purpose does not alter the peaceful character of the measure taken by the Government of Pakistan to ensure tranquillity on a border the defence of which is at present under its actual control. Secondly, the resolution requested each of the two Governments to inform the Council

of "any material change in the situation" and to "consult with the Council thereon". The agreement concluded by the Government of Pakistan does not cause any material change whatsoever in the situation within Jammu and Kashmir. Even if it did, it would be of a far smaller magnitude than the changes which are now actually being wrought by the Government of India, which have the effect of turning part of the Jammu and Kashmir State into an arena of war with a foreign power and which involve an augmentation of India's military potential in Kashmir contrary to both the letter and the spirit of the Security Council resolution of 17 January 1948 as well as the resolutions of 13 August 1948 and 5 January 1949 of the United Nations Commission for India and Pakistan. That the Government of India has failed to inform, far less to consult, the Security Council thereon is a patent, uncontradictable fact. Then again, the resolution of 17 January 1948 imposes a responsibility on the two Governments which is plainly of a reciprocal nature. Having to its credit a sustained disregard of this resolution with respect to each and every material change caused by it in the situation in Jammu and Kashmir, the Government of India is in no position to protest that the Council has not been informed or consulted on the conclusion of the border agreement between China and Pakistan, especially when this agreement is designed to prevent the situation in that part of the State from being affected to the detriment of peace and the rights of the people of Jammu and Kashmir.

The third Indian allegation, which refers to the resolution of 13 August 1948, appears to be no more than a smoke screen to hide India's own failure and refusal to implement this resolution. There is not a single provision or implication of the border agreement between China and Pakistan which would have the effect of prejudicing the obligation of the Government of Pakistan (in accordance with part II, section A, paragraph 1 of the resolution) to withdraw its forces from Jammu and Kashmir in fulfilment of a truce agreement between India and Pakistan envisaging a synchronized withdrawal of Indian forces (in accordance with part II, section B, paragraph 1 of the resolution). On the contrary, it is the actions and policies of the Government of India itself which are now being almost

publicly adduced as grounds for whittling away its commitments to withdraw its forces from Jammu and Kashmir and thus for altering the basis of this resolution. There is no move on Pakistan's part to demand any abatement of any resolution of the Security Council or the United Nations Commission for India and Pakistan or of any commitment which has been imposed upon it or voluntarily assumed.

Finally, the Indian representative refers to this Mission's communication of 3 December 1959 and quotes a sentence from it only in part. The sentence in full said that "pending a determination of the future of Kashmir through the will of the people impartially ascertained, no positions taken or adjustments made by either of the parties to the present controversy between India and China, or any similar controversy in the future, shall be valid or affect the status of the territory of Jammu and Kashmir or the imperatives of the demilitarization and self-determination of the State laid down in the resolutions [of the Council and the United Nations Commission]". It went on to state:

"My Government regards it as a matter of self-evident principle that it is for the sovereign authority freely evolved by, and acceptable to, the people of Jammu and Kashmir, and for that authority alone, to effect, or refuse to effect, any adjustment of its frontiers with any foreign Power and that the emergence of such an authority shall not be allowed to be impeded by any necessity, supposed or real, of military defence felt at present by any party within the territory of Jammu and Kashmir."

This has been Pakistan's consistent position throughout the dispute relating to the disposition of the State of Jammu and Kashmir. It has been safe-guarded by the following provision (Article Six) of the border agreement with China:

"The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China, on the boundary, as described in Article Two of the present agree-

ment, of Kashmir, so as to sign a Boundary Treaty to replace the present Agreement."

"Provided that, in the event of that sovereign authority being Pakistan, the provisions of this Agreement and of the aforesaid Protocol shall be maintained in the formal Boundary Treaty to be signed between Pakistan and the People's Republic of China."

Thus the agreement does not prejudice any contingent interest that India might derive from the jointly accepted resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 in the territory of Jammu and Kashmir. Paragraph 1 of the resolution of 5 January 1949 says:

"The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite."

In view of all these facts, my Government hopes that the Government of India will realize that its objections to the border agreement are without foundation and will not allow them to impede the effort towards a just and amicable settlement of the Kashmir dispute. My Government, however, regrets that, in the process of raising these objections in his letter to the Security Council, the Indian representative has again resorted to the practice of mis-statement or the statement of half-truths about the views and decisions of the Security Council accepted by both Parties. These misrepresentations are contained in paragraph 2 of the letter under reply and my Government owes a duty to the Security Council to point them out briefly.

It has been common ground between India and Pakistan that the resolutions of 13 August 1948 and 5 January 1949 of the United Nations Commission for India and Pakistan, which have been accepted by both parties, constitute an international agreement concerning the disposition of Jammu and Kashmir, which cannot be unilaterally altered. The first of these two resolutions, which is now invoked by India, lays down a procedure for a cease-fire and truce between India and Pakistan preparatory to a plebiscite; the second defines the conditions

under which the plebiscite would be held. Neither of these resolutions imposes any one-sided obligations or penalties; both are rooted in a balanced conception of the obligations of the two Parties. In regard to the withdrawal of the Pakistan forces; provision is made in part II, section A, paragraph 1 of the resolution of 13 August 1948. This has been quoted by the Indian representative in his letter. But in regard to the withdrawal of the Indian forces from Jammu and Kashmir a corresponding provision is made in part II, section B, paragraph 1 of this resolution and also in paragraph 4(a) of the resolution of 5 January 1949. These have not been quoted by the Indian representative. They read:

Part II, section B, paragraph 1 of the resolution of 13 August 1948

“When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from the State in stages to be agreed upon with the Commission.”

Paragraph 4(a) of the resolution of 5 January 1949

“After implementation of parts I and II of the Commission’s resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.”

Further, the provisions for the withdrawal of forces on both sides, that of Pakistan as well as of India, are contained in that part (Part II) of the resolution of 13 August 1948 which is

entitled "Truce Agreement" and which states that these are "principles" which are to be accepted "as a basis for the formulation of a truce agreement" and that the truce agreement is to be agreed upon between the two Governments and the United Nations Commission and to be made public. This is clearly stated in part II, section C, paragraph 1 of the resolution of 13 August 1948 which, again, the Indian representative does not quote. The paragraph is:

"Upon signature, the full text of the truce agreement or a *communiqué* containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public."

Thus, the obligation imposed by the resolution of 13 August 1948 on the two sides is that of concluding a truce agreement which would provide for a synchronized withdrawal of forces. Hence it is manifestly unjust for either side to try to fasten on the other a responsibility for withdrawing its forces unilaterally, as India attempts to do. Pakistan has declared its readiness to conclude a truce agreement with India time and again and does so once more; it is India which refuses an agreement persistently. As regards the first of the three paragraphs quoted above, the factual position as recorded by the United Nations Commission and its successor representatives is that "the tribesmen and Pakistan nationals" completed their withdrawal in 1949 and, thus, as far back as 1949, in the language of the resolution, "the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir" was terminated. Since 1949, therefore, there has been no justification, according to the terms of this resolution, for India's refusal to conclude a truce agreement whereby the withdrawal of the Pakistan forces would begin on a specified day and, after the lapse of a significant number of days, the Indian forces would begin to withdraw and the two operations would then be synchronized so that no disadvantage would be caused to either side. In short, according to the resolution of the United Nations Commission for India and Pakistan, there is no justification for the continuance of the presence of the forces of

either India or Pakistan in Jammu and Kashmir. My Government has offered repeatedly to withdraw its forces provided that, in accordance with the resolution, a truce agreement is concluded and published whereby this withdrawal is synchronized with that of the Indian forces and the people of Jammu and Kashmir are freed from fear of either side in exercising their choice regarding their future in a fair and impartial plebiscite.

It is apparent that the letter and spirit of the United Nations resolutions, and the Indian representative's allegations of "aggression" or the continuance of "aggression" by Pakistan, are poles apart. The Indian representative has referred to the statement of the undersigned, made before the Security Council on 1 February 1962 [990th meeting], to the effect that Pakistan was committed to the withdrawal of its forces from Jammu and Kashmir. As said above, my Government has never repudiated this commitment but the condition antecedent to the fulfilment of this obligation, as said in the same statement, is the conclusion of a truce agreement which shall provide for the withdrawal of the Indian forces also. Contrary to the insinuations of the Indian representative, no United Nations representative or Commission has charged Pakistan with "aggression" or with the breach of its obligations. In spite of the objectivity of our position, which has closely corresponded to the position of the United Nations, and in spite of our conviction that we have not failed to discharge our obligations, we made an offer to the Security Council in my statement at the 1008th meeting of the Council on 2 May 1962. Since we have no intention of retreating from it, my Government would seek your permission to quote this statement here:

"Pakistan is quite agreeable to any method that may be suggested for determining: (a) the obligations of the parties under the UNCIP resolutions; (b) what is holding up progress on their implementation; (c) whether either of the parties is in default with regard to the fulfilment of its obligations and (d) what needs to be done by either side to move the matter forward towards implementation.

If a determination of (c) above, that is to say, whether either of the parties is in default with regard to the fulfilment

of its obligations, should disclose that Pakistan is in default in any of these respects, the default would be rectified through the speediest method at the earliest possible moment so that the way may be opened toward full implementation of the resolutions. This is an undertaking that I submit to the Security Council on behalf of the Pakistan Government. I do trust and hope that India would be prepared to agree to the same."

Lastly, my Government regrets that, at a time when negotiations are continuing between India and Pakistan for a just and amicable settlement of the Kashmir dispute, the Government of India should again have chosen publicly to adopt a polemical tone before the Security Council, necessitating a reply, and thus to increase the difficulty of our current joint effort. It must be mentioned here that Sardar Swaran Singh, the Minister of Communications of the Government of India, who has been India's representative in these negotiations, and the Foreign Minister of Pakistan issued a joint public appeal on 29 December 1962 solemnly declaring that, to maintain a proper atmosphere conducive to an equitable and just outcome of the Kashmir negotiations, the leaders, officials and press of the two countries should mutually refrain from attacks and propaganda the effect of which would be likely to create a climate of discord between India and Pakistan. This appeal was issued at a time when India was already fully aware, and the fact had been publicly announced, that China and Pakistan had reached complete agreement in principle in regard to the location and alignment of the border actually existing between China and the contiguous areas the defence of which is under Pakistan's control. It follows that India pledged itself by implication not to make the Sino-Pakistan border agreement a pretext for propaganda against Pakistan or an agitational approach to the Kashmir problem, at least during the continuance of the direct negotiations. It is regrettable that this pledge should have been disregarded by the Government of India in their letter to the Security Council.

In conclusion, my Government reiterates its hope that, while our current joint effort towards a settlement of the Kashmir problem is without prejudice to any resolution of the Security

Council, and the consideration of alternatives, unless mutually accepted, remains only exploratory, the Government of India will awaken to the demands and imperatives of the peace and welfare of both our countries and will co-operate in making the present negotiations fruitful.

It is requested that this communication be brought to the notice of the members of the Security Council.

(Signed) ZAFRULLA KHAN
*Permanent Representative of Pakistan
to the United Nations*

(Source: UN Document no. S/5280)

**11. Note Dated 30 September 1963 from the Ministry
for External Affairs of India to the Embassy of the
People's Republic of China, New Delhi**

The Ministry for External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honour to state as follows.

On 2 March 1963, the Government of India protested against the agreement signed by the Governments of China and Pakistan on the alignment of the border between China (Sinkiang) and that part of the Indian Union territory of Jammu and Kashmir which has been unlawfully seized by Pakistan. In that protest the Government of India had made it clear that Pakistan had no common border with China and the agreement between China and Pakistan to locate and align the boundary in Kashmir was further proof of the Chinese design to exploit the differences between India and Pakistan to their advantage and to incorporate unlawfully part of Indian territory in Kashmir by conceding to Pakistan the other area of Kashmir, forcibly occupied by Pakistan.

In their efforts to mislead world opinion and to cover up their collusion in aggression on Indian territory, both the Governments of China and Pakistan declared that the agreement is only provisional in nature. That these declarations were obviously insincere was clear from the arrangements stipulated in Article 4 of the agreement regarding the appointment of a Joint Boundary Demarcation Commission, setting up

of border markers and drawing up of a Protocol, as such arrangements are normally made for permanent demarcation of the international frontier. That, so far as the Chinese and Pakistan authorities are concerned, there is nothing provisional about this agreement is clear from the visit to Gilgit, Nagar and Hunza of the Chinese representatives on the Joint Boundary Demarcation Commission and the announcement that boundary demarcation teams of both sides have reached agreement on ground survey, aerial photography and erection of boundary markers along the border.

The Government of India affirms that this fixing of boundary markers on Indian territory by the Governments of Pakistan and China is a violation of international law and practice in these matters. This collusive aggressive effort to change the status of Indian Union territory in Jammu and Kashmir and to alter the traditional boundaries, well established by treaties and custom will never be accepted by the Government of India.

2

India—Pakistan Conflict 1965

- 1. Report of the Secretary-General on the current situation in Kashmir with particular reference to the cease-fire agreement, the cease-fire line and the functioning of the United Nations Military Observation Group in India and Pakistan 3rd September 1965**

I

PURPOSE OF THE PRESENT REPORT

This report on the current situation in Kashmir, with particular reference to recent extensive disregard for the cease-fire agreement and the cease-fire line [CFL] in Kashmir, together with the functioning of the United Nations Military Observer Group in India and Pakistan [UNMOGIP] is submitted in order to provide information for the use of the Council. In the course of my recent consultations with members of the Council a need for a report from me was generally expressed. The report will serve to inform the members of the grave situation that has developed in Kashmir, of my deep concern about it, and of the steps I have been taking in past weeks in seeking to avert further deterioration of that situation and to restore normal conditions in the area. For this same purpose, I presented to the Council members individually on

31 August 1965 an informal and confidential paper, which was made available also to India and Pakistan.

GRAVITY OF THE SITUATION

There can be little doubt that the Kashmir problem has again become acute and is now dangerously serious. Implicit in it, in my view, is a potential threat to peace not only between India and Pakistan, but to the broader peace. As Secretary-General, my primary concern at this stage has been necessarily with the current breaches of the cease-fire agreement and the CFL. There is, of course, a long and extensive background to the Kashmir problem, of which the cease-fire agreement is but one aspect. No effort is made in this report to assess the political background of the problem or the possible root causes of the recent unusually large number of violations of the CFL. Thus, reference to the political factors in the broad Kashmir issue, past and present, and political assessments or judgements are avoided here. Though fully aware of the political factors, and their implications, I could not presume to act as political arbiter. It is enough to say here that, for whatever reasons, the cease-fire agreement entered into by the parties at Karachi on 27 July 1949, thus realizing an objective of Security Council resolution 47 (1948), of 21 April 1948, has collapsed, although I hope only temporarily. Each side, naturally, puts forth justifications for its actions which have led to this condition. In any case, it seems to me that the quiet which would result from mutual observance of the cease-fire by India and Pakistan would afford the most favourable climate in which to seek a resolution of political differences. The differences over Kashmir are sharp, great and ominous. They must be resolved if peace in that area is ever to be secure.

UNITED NATIONS MILITARY OBSERVER GROUP IN INDIA AND PAKISTAN

The United Nations maintains UNMOGIP with its 45 observers along the CFL of almost 500 miles, about half of which is in high mountains and is very difficult of access. UNMOGIP exercises the quite limited function of observing and reporting, investigating complaints from either party of

violations of the CFL and the cease-fire and submitting the resultant findings on those investigations to each party and to the Secretary-General, and keeping the Secretary-General informed in general on the way in which the cease-fire agreement is being kept. Because the role of UNMOGIP appears frequently to be misunderstood, it bears emphasis that the operation has no authority or function entitling it to enforce or prevent anything, or to try to ensure that the cease-fire is respected. Its very presence in the area, of course, has acted to some extent as a deterrent, but this is not the case at present. The Secretary-General exercises responsibility for the supervision and administrative control of the UNMOGIP operation.

INCREASE IN VIOLATIONS OF THE CEASE-FIRE

There has been a disturbing increase in the number of incidents involving violations of the CFL since the beginning of 1965. In mid-June 1965, for example, General Nimmo reported that during the previous five months, a total of 2,231 complaints from both sides charging violation of the cease-fire had been submitted to UNMOGIP. Most of these involved firing across the CFL, although some concerned crossings of the line by armed men. As of that date, 377 violations in all categories had been confirmed by investigations of the observers, 218 of which were committed by Pakistan and 159 by India. Some of these violations took the form of "heavy and prolonged firing" from weapons up to the calibre of field artillery. Among the most serious of the violations was one that occurred in May of this year, when Indian troops in battalion strength attacked and captured Pakistan positions in the Kargil area of Kashmir and remained in occupation of them. In the interest of preserving the CFL, I appealed to the Government of India to withdraw its troops from the Pakistan side of the line. On assurance from me that United Nations observers would henceforth be stationed on both sides of the line in that area, which India considered strategically vital to the security of the Srinagar-Leh road, the Government of India agreed to do so and in due course the Indian troops were withdrawn, thus closing the matter and making unnecessary any further consideration of a report on it to the Security Council. Subsequently, there were

some military attacks on the road by armed elements from the Pakistan side.

EVENTS SINCE 5 AUGUST 1965

The current serious trouble affecting the cease-fire and the CFL in Kashmir dated from 5 August 1965, and consists of a large number of violations of the CFL by crossings of the Line, by firing across it with artillery pieces, and by the occupation of positions on the wrong side of the Line. Lt. Gen. Robert H. Nimmo, the Chief Military Observer of UNMOGIP, has been sending the United Nations Headquarters daily telegrams on the incidents that have been occurring as reported to him, together with as much confirmed information as possible on the basis of the investigations of specific incidents by United Nations military observers. The investigations, being conducted on the spot, require time, of course, particularly since some of the places are very difficult of access fighting is going on and roads are sometimes closed by military order. UNMOGIP has never before been called upon to cope with such a great number of simultaneous violations of the CFL. The adequacy of the present number of observers and of their functions may well be reappraised in the light of experiences since 5 August.

General Nimmo has indicated to me that the series of violations that began on 5 August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the cease-fire line from the Pakistan side for the purpose of armed action on the Indian side. This is a conclusion reached by General Nimmo on the basis of investigations by the United Nations observers, in the light of the extensiveness and character of the raiding activities and their proximity to the CFL, even though in most cases the actual identity of those engaging in the armed attacks on the Indian side of the line and their actual crossing of it could not be verified by direct observation or evidence. As regards violations by artillery, there was heavy and prolonged artillery fire across the CFL from the Pakistan side in the Chhamb-Bhimber area on 15 and 16 August, and on 19 and 26 August the town of Punch was shelled from the Pakistan side, some of the shells hitting the building occupied by United Nations military obser-

vers. Pakistan artillery again shelled the town of Punch on 28 August. There was an exchange of artillery fire between the Uri sector on that Indian side and the Chakothi sector on the Pakistan side on 14 August. Also, it has been confirmed and reported on 25 August that Indian artillery shelled the village of Awan, in Pakistan, 5 miles from the CFL in the Bhimber sector. It is likewise confirmed that as of 24 August armed elements from Pakistan were still occupying Indian positions (pickets) north of Mandi in the Punch sector of the CFL. On the other hand, it is confirmed by both United Nations observers and official Indian sources that on 15 August, Indian Army troops reoccupied the Pakistan positions in the Kargil area and have remained there; Indian Army troops supported by artillery on 24 August occupied Pakistan positions in the Tangdhar-Nauseri (Tithwal area and still hold them, while on 27 and 28 August, Indian artillery shelled the area north of Punch on the Pakistan side and Indian troops crossed the CFL in the Uri-Bedori area. It has been confirmed that Indian troops have reached the Haji Pir Pass, which is 5 miles on the Pakistan side of the CFL on the Uri-Punch road. Each instance of violation is protested by the United Nations observers who demand that troops on the wrong side of the line be withdrawn.

The United Nations Military Observer Group received an Indian complaint of Pakistan shelling, on 1 September, of pickets and a battalion headquarters in the Chhamb area of the Jammu-Bhimber sector of the cease-fire line. The complaint stated that at 0230 hours on that day one and a half Pakistan tank squadrons supported by artillery, crossed the cease-fire line in this area. Pakistan artillery was also said to have fired on a battalion headquarters near Punch from 1630 hours on 1 September and on an Indian battalion headquarters in the Jangar area. The substance of these complaints was subsequently confirmed by United Nations military observers. A Pakistan complaint reported that Indian soldiers had crossed the CFL in strength in the Kargil, Tithwal and Uri-Punch sectors, as reported above. Pakistan, in this complaint also affirmed the crossing of the CFL by Pakistan troops in the Bhimber area on 1 September, as a defensive measure to forestall

Indian action, asserting also that in this sector the Indian Air Force had taken offensive action against Pakistan troops. Also on 1 September armed infiltrators ambushed an Indian convoy at Gund, north-east of Srinagar on the Leh road, and both sides sustained casualties. On 2 September the Jammu team of UNMOGIP received an Indian complaint that Pakistan aircraft had attacked the road between Chhamb and Jaurian during the morning of 2 September and that Jaurian village was in flames. The air attack on Jaurian was confirmed by United Nations military observers. The complaint also alleged that Pakistan troops had crossed the border with approximately 90 tanks and were moving from the Chhamb sector toward the east. Pakistan artillery fired in the Punch area during the night of 1—2 September and in the afternoon of 2 September.

An annotated list of complaints of incidents of violation that have been investigated thus far by the observers, as reported to me by General Nimmo, is presented in part II of this report. A map of Jammu and Kashmir showing the approximate location of the CEL is contained in an annex.

EFFORTS OF THE SECRETARY-GENERAL

On the morning of 9 August 1965, a telegram was received from General Nimmo warning that the situation was deteriorating along the CEL. On the basis of this report, I saw the representative of Pakistan at 1230 hours on that day, and asked him to convey to his Government my very serious concern about the situation that was developing in Kashmir, involving the crossing of the CEL from the Pakistan side by numbers of armed men and their attacks on Indian military positions on the Indian side of the line, and also my strong appeal that the CFL be observed. That same afternoon I saw the representative of India, told him of the information I had received from General Nimmo and of the *démarche* I had made to the Government of Pakistan, and asked him to convey to his Government my urgent appeal for restraint as regards any retaliatory action from their side. In subsequent days, I repeated these appeals orally for transmission to the two Governments, asking also that all personnel of either party still remaining on the wrong side of the line be withdrawn to

its own side. I have not obtained from the Government of Pakistan any assurance that the cease-fire and the CFL will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line. I did receive assurance from the Government of India, conveyed orally by its representative to the United Nations, that India would act with restraint with regard to any retaliatory acts and will respect the cease-fire agreement and the CFL if Pakistan does likewise. In the meantime, reports from UNMOGIP as of 2 September indicate a continuation of violations of the cease-fire and the CFL from both sides.

In view of the continuing deterioration in the situation as of 16 August I gave consideration to a further step in the form of a draft statement about the cease-fire violations which was designed for public release. The draft was handed to the two representatives to be transmitted for the information of their Governments. Both Governments reacted promptly. The Government of India had no objection to the release of the statement but at first wished certain modifications which in part at least I regarded as unacceptable. The Government of Pakistan was strongly negative about the statement in general on the grounds that it favoured India in that it dealt only with the current cease-fire situation without presenting the political background of the broad issue and thus was lacking in balance since a cease-fire alone supports the *status quo* to India's benefit.

Weighing carefully all considerations I came to the conclusion that a public statement by the Secretary-General at that time would serve no constructive purpose and might well do more harm than good. My first and primary objective had to be to see the fighting end rather than indicting or denouncing any party for starting and continuing it. I thought it might be helpful to make another quiet effort toward achieving observance of the cease-fire through a new approach to the two Governments. Consequently I gave thought to the possibility of sending urgently to the area a Personal Representative of the Secretary-General for the purpose of meeting and talking with appropriate authorities of the two Governments and with General Nimmo; conveying to the Governments my very

serious concern about the situation; and exploring with them ways and means of preventing any further deterioration in that situation and regaining quiet along the CFL. If such a mission had materialized, I had it in mind to ask Mr. Ralph J. Bunche, Under-Secretary for Special Political Affairs, to undertake it. The idea was broached by me informally to the two parties on 27 August. The subsequent responses of the Governments, while not negative, involved in each case conditions which, in my view, would make the mission not feasible at that time and therefore I abandoned it.

As a further and immediate step, however, on 23 August I asked General Nimmo to come promptly to the United Nations Headquarters for consultation with me about the situation in Kashmir, and he arrived in New York from Srinagar on 26 August. Consideration of other efforts that I might make was then undertaken in the light of the discussion with General Nimmo.

General Nimmo's reports on incidents continue to be received as the military observers carry out their investigations of specific actions. The procedure that has been followed is for General Nimmo to submit the reports of the investigations of each incident and the observers' findings fixing blame, to each party, confidentially, and to send copies to me, without any public disclosure. This procedure, which has been found to be in the best interest of the effective functioning of UNMOGIP is being continued.

In view of alarming reports indicating a steady escalation of the fighting in the air and on the ground, involving regular army forces on both sides, I addressed on 1 September an appeal to the Prime Minister of India and the President of Pakistan which was circulated to the Council [S/6647].

CONDITIONS FOR A RESTORATION OF THE CEASE-FIRE

Restoration of the cease-fire and a return to normal conditions along the CFL can be achieved only under the following conditions:

- (a) A willingness of both parties to respect the agreement they have entered into;

- (b) A readiness on the part of the Government of Pakistan to take effective steps to prevent crossings of the CFL from the Pakistan side by armed men, whether or not in uniform;
- (c) Evacuation by each party of positions of the other party now occupied and withdrawal of all armed personnel of each party to its own side of the line, which would include the withdrawal once more of Indian troops from Pakistan positions in the Kargil area;
- (d) A halt by both parties to the firing across the CFL that has been occurring from both sides in some sectors with artillery and smaller guns;
- (e) Allowing full freedom of movement and access to the United Nations observers by both parties on both sides of the line.

II

LIST OF THOSE INCIDENTS SINCE 5 AUGUST 1965 WHICH HAVE BEEN INVESTIGATED BY THE UNITED NATIONS MILITARY OBSERVERS PRIOR TO 3 SEPTEMBER 1965

Letter dated 30 August 1965 from the Chief Military Observer, the United Nations Military Observer Group in India and Pakistan, to the Secretary-General

I submit to you herewith an annotated list of recent incidents affecting the cease-fire and the cease-fire line [CFL] in Kashmir. This list comprises only incidents on which complaints have been submitted asserting violation of the cease-fire and the CFL between 5 and 30 August 1965 and which have been investigated and reported upon prior to 30 August. The list is by no means complete in the sense that in the stated period there have been many more complaints of incidents submitted by both parties which the observers have not yet been able to investigate. The annotations on the list have been compiled from the information thus far submitted in my letters to you described in my cabled messages. The investigations of incidents continue and I shall, of course, keep you informed of their results. To my great regret, incidents are also continuing.

As you will note, the investigations, which often have to be carried out in extremely difficult circumstances and at varying lengths of time after the particular action has occurred, have in general not yet been able to verify, either through observation or direct evidence, the identity of those responsible for the action and participating in it, or whether and to what extent there had been in fact a crossing of the CFL.

(Signed) R. H. NIMMO
Lieutenant-General,
Chief Military Observer,
the United Nations Military Observer Group
in India and Pakistan

*Annotated list of incidents annexed to the letter
of 30 August 1965 from General Nimmo*

*Incident of 5 August in the Galuthi sector on the Indian side of
the cease-fire line*

On 5 August an Indian patrol was attacked by a group estimated at about seventy armed men at a point 8,000 yards from the CEL. The attackers abandoned a quantity of arms, ammunition and equipment.

Investigation

United Nations observers confirmed that the attack had taken place, but could not determine with certainty the identity of the attackers and in particular whether any of them had come from across the CFL, although it was presumed that they had. The casualties seen by the observers included: three Indian soldiers and three attackers killed.

*Incident of 5 and 6 August in the Baramula sector on the Indian
side*

On the night of 5-6 August a clash took place in the Gulmarg area between an Indian patrol and a group of armed men, who, after firing at the patrol, disengaged, leaving behind a quantity of arms, ammunition and equipment.

Investigation

United Nations observers saw the abandoned materials and noted that the weapons had their markings scratched off.

Incidents of 7 and 8 August in the Galuthi sector on the Indian side

On the night of 7-8 August attacks were carried out by armed groups on two Indian battalion headquarters and eight pickets, all located from 3 to 6 miles from the CFL. The raiders abandoned a quantity of arms, ammunition, equipment and leaflets calling the people of Kashmir to "holy war".

Investigation

United Nations observers confirmed that the attacks had taken place, but could not determine with certainty the identity of the raiders and in particular whether any of them had come from across the CFL, although it was presumed that they had. The casualties seen by the observers include: One Indian soldier wounded and four raiders killed.

Incidents of 7 and 8 August in the Baramula sector on the Indian side

On the night of 7-8 August attacks were carried out by armed groups on five bridges, two formation headquarters and six pickets, all located from 2 to 17 miles from the CFL. The raiders abandoned a quantity of arms and ammunition. Two raiders were captured by the Indian forces.

Investigation

United Nations observers confirmed that the attacks had taken place. The casualties of the attacks seen by the observers included: 13 Indian soldiers killed, 12 Indian soldiers wounded and 1 Indian policeman wounded; 1 raider killed and 1 wounded.

The observers interviewed one of the captured raiders, who stated that he was a soldier of the 16 Azad Kashmir infantry battalion and that the raiding party was composed of about 300 soldiers of his battalion and 100 *mujahids* (armed civilians trained in guerilla tactics).

The United Nations observers noted that some of the materials said to have been abandoned by the raiders were manufactured in Pakistan.

Incidents of 7 and 8 August in the Jammu sector on the Indian side

On the night of 7-8 August attacks were carried out by armed groups on two Indian battalion headquarters, 2 and 6 miles from the CFL. The raiders abandoned some arms and ammunition.

Investigation

United Nations observers confirmed that the attacks had taken place, but could not determine with certainty the identity of the raiders and in particular whether any of them had come from across the CFL, although this was believed to be the case. The casualties seen by United Nations observers included: 5 Indian soldiers killed and 5 wounded.

Incidents of 7 and 8 August in the Naushera sector on the Indian side

On the night of 7-8 August attacks were carried out by armed groups on one petrol oil and lubricant dump, one battalion headquarters and two pickets, all located 4,000 to 10,000 yards from the CFL. The raiders abandoned a quantity of arms and ammunition.

Investigation

United Nations observers confirmed that the attacks had taken place, but could not determine with certainty the identity of the raiders and in particular whether any of them had come from across the CFL, although it was thought that they had.

Incidents in the Punch sector on the Indian side beginning in the night of 7-8 August

On the night of 7-8 August a group of raiders attacked an Indian picket 14 miles northeast of Punch. In later attacks, large groups of raiders occupied the town of Mandi and several pickets in the area.

The Indian troops recaptured Mandi on 12 August and continued their drive against the raiders.

Investigation

United Nations observers confirmed most of the reported

fighting. The number of raiders was estimated to exceed 1,000. The available evidence indicated that some of the raiders must have come from across the CFL.

As of 24 August, the raiders were still holding some Indian pickets north of Mandi. The situation was still confused and the United Nations observers were unable to visit some of the areas concerned because of continuing hostilities and closed roads.

Incidents of 10 August in the Kargil sector on the Indian side

On 10 August attacks were carried out by small armed groups on two bridges and one picket, 6 to 8 miles from the CFL.

Investigation

United Nations observers confirmed that the attacks had taken place. The casualties seen by the observers included : 5 Indian soldiers, 2 Indian policemen and 1 raider killed; 5 Indian soldiers and 1 Indian army porter wounded. The dress worn by the dead raider was similar to the uniforms of Pakistan frontier scouts.

Incident of 12 August in the Kotli sector on the Pakistan side

On 12 August Indian troops fired 3.7-inch howitzer artillery at the Mendhar area, 1 mile on the Pakistan side on the CFL. A bridge was damaged.

Investigation

This action was confirmed by United Nations observers.

Incidents of 13 August in the Baramula sector on the Indian side

On 13 August the Indian picket at Naugam, 12 miles from the CFL, was attacked by a group estimated at about 40 men. Later the convoy evacuating the wounded from Naugam was ambushed.

Investigation

United Nations observers confirmed that the attacks had taken place but could not determine with certainty the identity

of the raiders and in particular whether any of them had come from across the CFL, although that was believed to be the case. The casualties in those attacks were said to be 10 soldiers killed and 23 wounded on the Indian side. The observers saw and interrogated 22 of the wounded soldiers.

Incidents of 14 August in the Baramula/Domei sectors

On 14 August the Uri area (7 miles on the Indian side of the CFL) was shelled by Pakistan artillery from the Chakothi area (12 miles on the Pakistan side of the CFL).

Indian artillery returned the fire later.

Investigation

United Nations observers confirmed the shelling from both sides.

Incidents of 14 and 15 August in the Skardu/Kargil sectors on the Pakistan side

On the afternoon of 14 August Indian troops fired with 120-mm. mortars across the CFL in the Dalunang area.

On 15 August Indian troops crossed the CFL and occupied three Pakistan positions near the line, north-east of Kargil.

Investigation

These actions were confirmed by United Nations observers.

Incidents in the Jammu/Bhimber sectors on the Indian side beginning on 14 August

On 14 August armed elements from the Pakistan side allegedly crossed the CFL in the Chhamb area and penetrated up to 1 mile on the Indian side of the line. Indian positions along the CFL were subjected to heavy artillery and mortar fire from the Pakistan side on 15 and 16 August. The attacking forces captured nine Indian positions on 16 and 17 August.

As of 26 August the Indian forces had reportedly recaptured seven pickets and continued their counter-attack with artillery support.

Investigation

United Nations observers confirmed the shelling of Indian positions and considerable fighting in the area.

On 15 and 17 August at a hospital in Jammu the observers saw 62 Indian soldiers wounded during the incidents and were told that there had been more casualties.

The observers were unable to investigate most of the alleged attacks on the spot because of continuing hostilities.

Incidents of 15 August in the Jammu sector on the Indian side

On 15 August an armed group raided the village of Rajpur, 5 miles on the Indian side of the Pakistan/Jammu border. Eleven villagers had reportedly been killed and 4 wounded.

Investigation

United Nations observers confirmed the attacks but could not determine the identity of the raiders and in particular whether any of them had come from across the CFL, although this was the presumption.

Incident of 16 August in the Galuthi sector on the Indian side

On 16 August a convoy of Indian vehicles, civilian buses and one United Nations jeep was fired upon with 2-inch mortars, rocket launchers and small arms on the main road from Punch to Galthi.

Investigation

United Nations observers confirmed the incident. They saw 8 Indian soldiers killed, 7 wounded and 3 vehicles destroyed by bullets and grenades. The United Nations jeep was hit by bullets.

Incident of 18 and 19 August in the Kargil sector on the Indian side

On the night of 18-19 August an armed group attacked an Indian battalion headquarters and an adjacent road-construction camp. The attackers abandoned a quantity of equipment.

Investigation

The attack was confirmed by United Nations observers. The

casualties seen by the observers included : 2 road construction workers killed and 2 wounded.

Incident of 19 August in the Punch sector on the Indian side

On 19 August Pakistan field artillery fired 25-pounder shells across the CFL on the airfield and the hospital at Punch.

Investigation

United Nations observers confirmed the shelling. They were told by the Pakistan command that this limited action was necessary because the airfield was being used by Indian aircraft to direct Indian artillery fire against Pakistan positions and that the hospital was hit by accident.

Incident of 24 August in Pakistan near the Bhimber sector

On 24 August Indian artillery shelled the village of Awan in Pakistan 1,000 yards south of the Pakistan-Kashmir border and 5 miles west of the CFL in the Bhimber sector.

Investigation

United Nations observers confirmed the shelling.

Incident of 24 August in the Baramula/Domel sectors on the Pakistan side

On 24 August Indian troops supported by artillery, crossed the CFL and occupied Pakistan positions in the Tangdhar/Nauseri (Tithwal) area.

Investigation

United Nations observers confirmed this action. The attack was admitted by the Indian local commander who claimed that Pakistan forces had attacked first.

Incident of 24 August in the Baramula sector on the Indian side

It was reported on 24 August that in a clash at the Chor Panjal pass, 6 miles on the Indian side of the CFL, Indian troops had killed 21 "intruders".

Investigation

United Nations observers visited the site of the clash and saw nine bodies dressed in green "selwa" shirts and "Kamiz"

trousers. The clothing and general appearance of the bodies led the observers to believe that they were those of Azad Kashmir soldiers.

Incident of 26 August in the Punch sector on the Indian side

On 26 August Pakistan artillery shelled the area of the town of Punch.

Investigation

The shelling was confirmed by United Nations observers.

Incidents of 27 and 28 August in the Punch/Rawalakot sector on the Pakistan side

On 27 and 28 August, Indian artillery in the Punch area fired 25-pounder shells at the Pakistan side across the CFL north of Punch.

Indian troops crossed the CFL from the Uri area into the Bedori area on the Pakistan side of the line.

Investigation

United Nations observers confirmed these actions.

As of 29 August, Indian troops had reportedly reached the Haji Pir Pass, 5 miles on the Pakistan side of the CFL on the Uri-Punch road.

Incident of 28 August in the Punch sector on the Indian side

On 28 August Pakistan artillery shelled the area of the town of Punch for half an hour.

Investigation

This action was confirmed by United Nations observers.

Summaries of incidents reported by General Nimmo since his letter of 30 August 1965

Incident of 1 September in the Naushera sector on the Indian side

On the morning of 1 September Pakistan artillery fired at an Indian battalion headquarters in the Jangar area about 2.5 miles from the CFL.

Investigation

The shelling was confirmed by United Nations observers.

Incident of 1 September in the Srinagar area on the Indian side

On 1 September an Indian convoy was ambushed by an armed group at Gund, 24 miles on the Indian side of the CFL on the Srinagar-Leh road.

Investigation

The attack was confirmed by United Nations observers. The observers saw the bodies of eight attackers, one prisoner captured during the clash and a quantity of arms and equipment left by the attackers. The prisoner informed the observers that he was a member of the Karakoram Scouts (based in the Skardu sector on the Pakistan side) and that he and a number of other scouts had been selected to destroy the bridge at Gund on the Srinagar-Leh road.

The observers also noted that some of the arms and equipment abandoned by the raiders were manufactured in Pakistan.

Incidents of 1 and 2 September in the Punch sector on the Indian side

On the afternoon of 1 September, on the night of 1-2 September and again on the afternoon of 2 September, Pakistan artillery fired 25-pounders at the Punch area.

Investigation

The shelling was confirmed by United Nations observers.

Incidents on the Indian side in the Jammu/Bhimber sectors beginning on 1 September

On 1 September the Indian command complained that early the same day, Pakistan artillery had shelled an Indian battalion headquarters and Indian pickets in the Chhamb area. One-and-a-half tank squadrons later crossed the CFL and attacked an Indian picket located 2 miles from the CFL.

A second complaint received on 1 September stated that

three Indian pickets had been occupied by Pakistan troops and that the artillery and tank attack was still in progress.

On 2 September the Indian command reported that on the morning of the same day Pakistan aircraft had attacked the road between Chhamb and Jaurian, 14 miles east of the CFL and 5 miles from the Pakistan/Jammu border, with rockets and machine-gun fire. It was claimed that Pakistan troops had crossed the border with approximately 90 tanks and that by the afternoon of 2 September 16 of those tanks had been destroyed.

Investigation

The Pakistan command informed UNMOGIP on 2 September that its troops had crossed the CFL on 1 September in the Bhimber sector, pointing out that this was a purely defensive measure to forestall Indian action in the area. It complained that for the first time since the cease-fire on 1 January 1949 Indian aircraft had intervened in ground battle by taking offensive action against Pakistan troops in the Bhimber sector. Four Indian Vampire aircraft were reportedly shot down by Pakistan aircraft.

United Nations observers confirmed that most of the reported actions had taken place.

Although the observers had been unable to proceed west of the Munawwarwali river since the beginning of the Pakistan thrust, the evidence available to them as of 2 September seems to indicate that the Pakistan troops have managed to occupy an area of approximately 30 square miles, roughly extending 5 miles east of the CFL up to the Munawwarwali river and 6 miles north of the border up to the Chhamb village area.

(Source : UN Document no. S/6651)

2. The Text of the Prime Minister[Lal Bahadur Shastri's broadcast on 3 September 1965

My fellow countrymen,

I speak to you tonight to acquaint you with the situation that has arisen as a result of Pakistani aggression against us and to share with you the anxieties and the responsibilities

devolving on us in this critical hour. As you know, on September 1, Pakistan mounted a heavy attack in brigade strength in the Chhamb sector of Jammu. The attack was supported by heavy artillery and tanks of the Pakistan Army. Our armed forces went into action against them and knocked out several tanks and many army vehicles. Pakistan's initial thrust has been halted. An instance of what Pakistan is doing in that area is the bombing by the Pakistani Air Force of civilians, killing many men. Women and children, as well as destroying a mosque. The people of Jammu and Kashmir are facing the situation with great fortitude.

I wish to pay warm tributes to our security forces. The whole nation is proud of them and have the fullest confidence in their ability to defend the country. The whole country stands behind them.

The attempt of the armed raiders who had entered Kashmir earlier to damage bridges and administrative and military centres and to commit other acts of sabotage, has largely failed. The raiders failed also in enlisting the sympathy of the local population. In fact, they had to indulge in acts of loot and arson to sustain themselves. The raiders were able to move in villages for a few days under the cover of darkness, but this phase is now over and many of the infiltrators have been driven to seek cover in thick jungles. The presence of these infiltrators within Kashmir and their sporadic attempts at sabotage, make it essential that we should be continuously alert and vigilant.

The infiltrators were well armed with modern weapons and the whole operation was conceived, planned and executed by Pakistan. This, we believe, has been established beyond doubt in the reports submitted by the chief military observer to the United Nation's Secretary-General. These reports, in spite of our request, have not seen the light of the day. We have dealt successfully with hundreds of infiltrators and, as an inescapable measure of self-defence, we have had to take military action to occupy certain strategic posts beyond the cease-fire line in order to block the routes of the infiltrators.

Some bands of raiders are, however, still attempting to come

in with the full backing of the Pakistan Army. Pakistan has denied responsibility for such infiltrations. The Pakistan Government have endeavoured to create the myth, and this myth has been reiterated in President Ayub Khan's broadcast of September 1, that the infiltrators are freedom fighters and that there is an internal revolt in Kashmir. The whole world knows that there is no revolt. The Indian people of Kashmir have remained calm and have co-operated with the authorities in tracking down the infiltrators. They have been the victims of arson, murder and looting of property by the bands of Pakistani armed infiltrators. In expressing my sympathy, I wish to pay a tribute to the brave people of Jammu and Kashmir.

In 1947-48, Pakistan continued to deny for several months after it had sent her troops illegally into Kashmir, that they were there. It was only in 1948, when the truth could no longer be hidden, that the Pakistan representative confessed to the United Nations Commission for India and Pakistan that Pakistani forces had been fighting in Kashmir for several months.

In the agreement between India and Pakistan in connection with the Gujrat-West Pakistan border, signed on June 30, of this year, Pakistan solemnly affirmed its hope that the agreement would result in better relations and easing of tensions between India and Pakistan. The conscience of the world would be shocked to know that even at the time that this agreement was being signed, Pakistan had already drawn up a plan of armed infiltrations into Kashmir and was training its personnel in Murree, for the operations which were undertaken just over a month later, even before the ink was dry on the agreement of June 30. Such conduct speaks for itself.

The Pakistani ruling circles accuse India of practising colonialism in Kashmir. President Ayub seems to have forgotten that the state of Jammu and Kashmir juridically and in fact, is a part of India. People of Kashmir are Indian citizens who enjoy all the rights and privileges guaranteed to them under the Constitution of India unlike their unfortunate

brethren across the cease-fire line in Pakistan-occupied Kashmir.

Let me add that our quarrel is not with the people of Pakistan. We wish them well, we want them to prosper and we want to live in peace and friendship with them.

What we are up against is a regime which does not believe in freedom, democracy and peace as we do. It talks glibly of a plebiscite in Kashmir, while it is not prepared to have a free election in its own country. In the State of Jammu and Kashmir there have been three elections since 1949. What once was a princely state, ruled on dynastic principles, is now a state in our federation under a Constitution which guarantees civil rights, freedom of worship and free elections. How would Pakistan like a plebiscite in the Pakhtoon area to find out whether it wishes to remain a part of Pakistan? How would Pakistan like a plebiscite in East Bengal to find out whether the people of East Bengal want to be ruled from Rawalpindi? What is at stake in the present conflict is a point of principle. Has any country the right to send its armed personnel to another with the avowed object of helping to overthrow a democratically-elected government?

I have received a communication from the Secretary-General of the United Nations containing an appeal to both sides to observe the cease-fire line. We will send a reply to the Secretary-General after giving his communication the careful attention it deserves.

The Secretary-General of the United Nations has appealed both to Pakistan and India for peace. We believe in peace. We have worked for it and we shall never cease to work for peace.

Those who want peace will always have our support and co-operation, but they must face the realities of the situation. A cease-fire is not peace. We cannot simply go from one cease-fire to another and wait till Pakistan chooses to start hostilities again.

President Ayub in his recent broadcast referred to the conversation he had with me in October, 1964. It is

perfectly true that when I agreed to meet President Ayub I had done so with a desire to promote a better understanding between India and Pakistan. He had brought up the Kashmir question and said that Pakistan felt strongly about this matter. At that time, I had told him in reply in the clearest possible terms that if public opinion in Pakistan was very strong on this matter, the Indian opinion was also equally strong, if not stronger than in Pakistan. There was, therefore, no easy solution to this problem. I asked him to devote attention to other issues which were so urgent, for instance, the question of continuous firing across the cease-fire line. President Ayub said that he was himself worried over this and was willing to have this position reviewed immediately. In fact he himself suggested a meeting of the commanders of the two sides to sort out this problem. When subsequently such an idea was mooted, Pakistan did not react favourably.

President Ayub did raise the question of evictees and I also referred to the huge number of refugees coming into India. It was agreed between us that the Home Ministers of the two Governments should meet to discuss this matter. On my return to India, action was initiated for a meeting of the Home Ministers. Specific dates were suggested on more than one occasion but Pakistan on one pretext or another, did not agree to our suggestions for quite some time. Eventually, November 23, 1964 was fixed and India's delegation was announced, but this meeting was called off by Pakistan on the ground that they were busy with their elections. These details I am mentioning because apparently President Ayub seems to have forgotten them altogether. That can be the only reason for his having made the observations that he did.

What is the duty and responsibility of our citizens in this hour of serious crisis? Your foremost duty at the present moment is to do everything possible to ensure that peace is not disturbed and that communal harmony is maintained. There are no Hindus, no Muslims, no Christians, no Sikhs, but only Indians. I am confident that the people of this country who have given proof of their patriotism and common sense on so many occasions in the past, will stand united as one man to

defend their country. We must all be on guard against mischief-makers and enemy agents who may try to instigate communal disturbances. The Government will deal firmly with such persons.

Our security scheme in regard to civil defence measures is being enforced with immediate effect in the Punjab and in Delhi. Later, it would be extended to additional areas. Those of you who are called up to participate in this scheme, should come forward and undertake the task in the spirit of a soldier at his post. Home-guards will be strengthened in the urban areas. I would like men and women to join the home-guards in large numbers. To the industrial workers, I would like to address a personal appeal. I know of their patriotism and I am sure it would be uppermost in their minds. We have to maximise production in our industrial units and we have to maintain our communications, our harbours and our supply lines in a state of maximum efficiency. Every worker should make the best possible contribution he can towards the achievement of these objectives.

The men of business and industry have a very heavy responsibility in the present situation. The supply of essential consumer goods to the community must be maintained, Prices have not only to be maintained, they have to be brought down. Men engaged in the wholesale and retail trades must themselves exercise great restraint and serve the country at this time with a sense of patriotic duty.

The country has to prepare itself for hard days ahead. Everyone must perform his duty fully and faithfully. We may have to suffer damage from air-raids. The nation must get into the mood which is necessary for undergoing suffering and making sacrifice cheerfully. This is the price of freedom which we all have to pay. This is a call to the nation to rise and meet the challenge.

3. The text of Lal Bahadur Shastri's letter dated 4 September 1965 to U Thant

"I have the honour to acknowledge the receipt of your message received on September 2.

"I appreciate the considerations that have prompted you to address an appeal to us and to Pakistan in connection with the recent developments in Jammu and Kashmir. Our permanent representative in New York has been in frequent touch with you and has kept you informed of the situation as it has developed since August 5. I have no doubt that from all the information that you have received from the United Nations observers in Kashmir and on the bases of your own assessment, it is clear that the root cause of the present dangerous situation is the undertaking of massive infiltrations of armed personnel from the Pakistan side, well organized and trained in sabotage and subversive warfare, the whole operation being conceived, planned and executed by Pakistan.

"The infiltrators are, in fact, members of the Pakistan armed forces. These Infiltrations are still continuing. Such action by Pakistan is a clear violation of the Charter of the United Nations and of the cease-fire agreement, and is against all canons of international law and code of good neighbourliness. It is to meet this thinly disguised invasion that the Government of India, while showing every forbearance, have been forced to take preventive military action.

"In your message, you have appealed in the interests of peace that we should indicate our intention to respect the cease-fire agreement, that there should be a cessation of crossings of the cease-fire line by armed personnel from both sides of the line and a halt to all firing across the cease-fire line from either side of it. While I appreciate the motivations of your appeal I have to point out that the terms of your message are such as might leave the impression that we are responsible equally with Pakistan for the dangerous developments that have taken place.

"Unless your message is read in the context of the realities of the situation as they have developed, it tends to introduce a certain equation between India and Pakistan, which the facts of the situation do not bear out. Indeed, it seems to me that your message has to be read in conjunction with the report that you have sent to the members of the Security Council.

"I would like to take this opportunity of apprising you of the salient facts of the situation. Since August 5, several

thousands of infiltrators from Pakistan and from Pakistan occupied Kashmir have crossed the cease-fire line. These men have come camouflaged as civilians and fully armed with modern weapons, signal equipment, large quantities of ammunition and supplies and explosives.

"From the interrogation of the prisoners captured by us from among the infiltrators, many of whom are regular officers of the Pakistan army, it is now known that a military headquarters was set up in Murree, in west Pakistan, in May, 1965, under General Akhtar Husain Malik, General Officer Commanding, 12th Division, of the Pakistan army. This organization is known as Military Headquarters "Gibraltar Force." Their instructions were to destroy bridges and vital roads, attack police stations, supply dumps, army headquarters and important installations, inflict casualties on Indian forces, and attack VIPs in Jammu and Kashmir.

"The statements of the captured prisoners and the nature and type of weapons which the infiltrators carried, large quantities of which have been captured by us, bearing the marking of Pakistan Ordnance Factories, proved beyond a shadow of doubt that the infiltrators were armed and equipped by the Pakistan Government and have operated under their instructions.

"Pakistan, however, has denied any knowledge of these armed infiltrations and persists in the theory that there is an internal revolt in Kashmir—a revolt which does not exist and has not been noticed by independent foreign observers. Since your message was sent the situation has been further aggravated by a massive attack launched by two regiments of tanks and aircraft supported by Pakistan troops in brigade strength, across the cease-fire line and the international frontier between the Indian state of Jammu and Kashmir and West Pakistan.

"The attack which is in great strength is aimed at our key position controlling our lines of communications. Even on its own admission, as indicated in President Ayub Khan's broadcast of September 1, the Pakistani forces have gone to the assistance of the infiltrators whom Pakistan chooses to call "Freedom Fighters". There is no pretence in it of any kind of

defensive action and the Pakistani attack clearly constitutes aggression.

"The Pakistani attack is accompanied by the usual tactics of the aggressor, namely, indiscriminate bombing of the civilian population. In a bombing raid on September 2, the Pakistan Air Force killed 50 civilians and injured an equal number in addition to the bombing of mosque. We have to meet the situation created by this latest Pakistani aggression.

"In your message, Mr. Secretary-General, you have yourself recognized that essential to the restoration of the cease-fire would be a cessation of the crossings of the cease-fire line by armed personnel. As I have indicated above, the root cause of the development of the present dangerous situation in Kashmir lies in the massive infiltrations of Pakistani armed personnel. Since the Pakistan government disown responsibility for the armed infiltrations, your appeal to Pakistan, so far as armed infiltrators are concerned, can hardly be productive of results and the root cause of the trouble will remain.

"India is a peace-loving country. We have neither the inclination nor is it in our interest to be deviated from the path of peace and economic progress to that of military conflict. Pakistan has, however, by sending armed infiltrators in large numbers across the cease-fire line, brought about a situation in which we have no choice but to defend ourselves and take such preventive action as may be deemed essential. In taking such preventive action we have, in certain sectors, had to cross the cease-fire line for the purpose of effectively preventing further infiltrations. This is a matter of great importance to us.

"As to the cease-fire agreement, you are well aware that we have shown respect for the cease-fire line all these years though Pakistan has shown scant regard for it. Over the past two years, General Nimmo Chief Military Observer, has made proposals for a meeting between the representatives of India and Pakistan with a view to ensuring the observance of the cease-fire agreement and to preventing its violation from the Pakistan side by armed civilians. We have always accepted these proposals but Pakistan has either rejected them or not responded to them."

"I July, 1964, we offered to come to a gentleman's agreement with Pakistan to ensure tranquillity along the cease-fire line. Pakistan at first agreed to a meeting and representatives of India and Pakistan were to meet in Karachi on the 2nd November, 1964. However, a day before the meeting was to be held, Pakistan postponed the meeting unilaterally and did not suggest any fresh date thereafter.

"Pakistan's international behaviour is such as cannot be ignored in considering your appeal. It will be recalled that in 1947-48, Pakistan undertook action similar to the present one and persisted in denying its complicity for several months until the truth could no longer be hidden and it had no way but to admit to the United Nations' Commission for India and Pakistan, in July 1948, that Pakistani forces had been fighting in Kashmir for several months. That act of Pakistan's aggressions the United Nations seems to have forgotten, but that aggression is still with us and Pakistan continues to be inforcible occupation 2/5th of our State of Jammu and Kashmir.

"It is within your knowledge that in April this year, Pakistan launched a military attack in our territory in the Rann of Kutch, a clear case of use of force for the assertion of its claims, which is forbidden by the Charter of the United Nations, the Bandung Declaration of the Charter of the Organization of African Unity States, the Cairo Declaration and many other international declarations of our time.

"In spite of such provocation, we showed forbearance and reached an agreement with Pakistan of the 30th June 1965, for the peaceful settlement of the border question. The hope was solemnly expressed by both sides in the agreement that it would result in better relations between India and in easing of tensions between the two countries.

"It is now clear, however that even when Pakistan was putting its signature to that agreement it was planning and organizing the massive armed infiltrations across the cease-fire line in Jammu and Kashmir, and even before the ink was dry on that agreement, Pakistan launched thousands of its armed infiltrators across the cease-fire line. We cannot be expected to wait for Pakistan to violate the cease-fire line and to attack us

at will, and we cannot go from one cease-fire to another without our being satisfied that Pakistan will not repeat its acts of violations and aggression in the future.

“There is no other name for the massive Pakistani infiltrations across the cease-fire line and across the international frontier between Jammu and Kashmir and West Pakistan and the military attack that Pakistan has launched into our territory, but aggression. That aggression throws on us, as a sovereign State, responsibilities for defence which it is our right and duty to discharge.

“To sum up, I have taken this opportunity of acquainting you with all the aspect of the complex and dangerous situation that has been brought about by Pakistani actions. We owe it to you and to the high office you occupy with such distinction, to leave you in no doubt as to our position.

“Mr. Secretary-General, you have appealed for peace and we greatly appreciate your anxiety and the sincerity of your efforts. India has always stood firmly for peace and our position needs no reiteration. What is essential, however, today is that Pakistan should undertake forthwith to stop infiltrations across the cease-fire line and to withdraw the infiltrators and its armed forces from the Indian side of the cease-fire line and the international frontier between Jammu and Kashmir and West Pakistan.

“Furthermore, we would have to be satisfied that there will be no recurrence of such a situation. These have to be the starting points of any steps towards the restoration of peace for which you, as Secretary-General of the United Nations, are bending your efforts. I trust that, in the first instance, you will ascertain from Pakistan if it will accept the responsibility for withdrawing not only its armed forces but also the infiltrators and for preventing further infiltrations. This, in fact we take it, is the basic assumption underlying your appeal.”

4. Reactions on the India—Pakistan Conflict of 1965

Broadcast Speech of the President of Pakistan

The hour of trial for a hundred million people of Pakistan

has struck. The Indian Army attacked Pakistan territory in the early hours this morning on the Lahore front. In a cowardly fashion they also strafed from the air a stationary passenger train in Wazirabad. This is a grim sequel to the chain of wilful acts of aggression which the Indian rulers have been committing for the last five months.

The Indian Army started with their violation of the cease-fire line in May when they occupied three posts on our side in Kargil sector. At the intervention of the United Nations the Indians temporarily vacated these posts and then re-occupied them in August. In their aggression they proceeded to occupy posts in Tithwal sector and then moved in full strength in the Uri-Poonch area. Not content with shattering the cease-fire line they shelled village Awan in Pakistan territory. It was clear that the restraint which we have exercised in the face of all these provocations was misunderstood by the Indians. To contain the Indian aggression the Azad Kashmir forces were obliged to move in the Bhimber sector. The Indians wrecklessly swung their Air force into action thus precipitating a grave crisis. By then it had become clear to the whole world that Indian aggression in Kashmir was only a preparation for an attack on Pakistan.

Today they have given final proof of this and of the evil intention which India has always harboured against Pakistan since its very inception. The Indian rulers were never reconciled to the establishment of an independent Pakistan where Muslims could build a homeland of their own. All their military preparations during the last eighteen years have been directed against us. They exploited the Chinese bogey to secure massive arms assistance from some of our friends in the West who never understood the mind of the Indian rulers and permitted themselves to be taken in by India's profession that once they were fully armed they will fight the Chinese. We always knew that these arms would be raised against us. Time has proved this so.

Now that the Indian rulers, with their customary cowardice and hypocrisy, have ordered their Armies to march into the sacred territory of Pakistan, without a formal declaration of

war, the time has come for us to give them a crushing reply which will put an end to India's adventure in imperialism. The brave people of Lahore have been chosen as the first to confront the enemy. They will remain in history as the people who delivered the last blow to destroy the enemy.

The hundred millions of Pakistanis whose hearts beat with the sound of "*La-Ilaha Illallah, Mohammad-ur-Rasulillah*", will not rest till India's guns are silenced for ever. The Indian rulers do not yet realise what people they have taken on. Dedicated to their faith and convinced of the justice of their cause they will fight as one man in the name of God whose promise to mankind is that right shall triumph.

A state of emergency has been declared. We are at war. Our brave soldiers have gone forward to repel the enemy. The armed forces of Pakistan will prove their mettle. Armed with an invincible spirit and a determination which has never faltered they will give a crushing blow to the enemy. The Government of Pakistan is fully prepared and all its resources will be employed to deal with the situation.

In our struggle against the aggressor we will, no doubt, have the sympathy and support of all those who believe in peace and freedom. We are invoking the United Nations Charter to exercise our inherent right of individual and collective self-defence recognised in Chapter VII of the Charter.

My dear countrymen, in this hour of trial you have to remain absolutely calm. You must know that each one of you has to perform a supreme duty which demands complete dedication and devotion. God in His infinite mercy will grant you success as He has always granted success to those who are engaged in a just cause. Be prepared to strike and to strike hard; for the evil which has raised its head against your borders is doomed to destruction. Go forward and meet the enemy. God is with you. Pakistan Painsdabad.

6 September 1965.

Statement of the British Prime Minister, Mr. Harold Wilson

I am deeply concerned at the increasingly serious fighting

now taking place between India and Pakistan and especially at the news that Indian forces have today attacked Pakistan territory across the international frontier in the Punjab. This is a distressing response to the resolution adopted by the Security Council on 4 September calling for cease-fire.

The dangerous situation now created may have the gravest consequences not only for India and Pakistan but also for the peace of the world. If the fighting spreads further it inevitably carries with it appalling danger to the civilian population, and the considerable economic development and progress which India and Pakistan have achieved during these past years will be put at grave risk. No lasting solution of the Kashmir problem can possibly be reached by force. I have therefore appealed in the most urgent terms to both President Ayub and Mr. Shastri to respond to the Security Council resolution and to bring the present fighting to an immediate end.

6 September 1965.

Statement of the Government of Algeria

The Algerian people and the Government follow with profound concern the armed conflict which divides the friendly people of India and Pakistan. Faithful to the principles of Bandung, Algeria deplores recourse to arms for the settlement of a problem between two friendly countries belonging to the Afro-Asian community.

Having struggled for almost eight years to achieve the recognition of its right of self-determination, Algeria cannot but support the application of this principle for the settlement of the problem of Kashmir in conformity with the United Nations Resolutions of January 1949. Algeria is of the opinion that only a friendly and peaceful discussion between India and Pakistan, can solve the problem finally.

Algeria deplores the fact that this conflict has arisen on the eve of the Second Afro-Asian conference which is supposed to consolidate the common Afro-Asiatic front against the common enemy of imperialism and at a time when this imperialism has redoubled its aggression against the people of Viet-Nam.

7 September 1965.

Statement of the Government of the People's Republic of China

On 6 September 1965 India suddenly launched an armed attack on Pakistan. Indian troops have crossed the international boundary between India and Pakistan and are pushing towards Lahore, capital of West Pakistan. The Indian Radio has announced general mobilisation. Thus the Indian Government has enlarged the local conflict between India and Pakistan in Kashmir into a general conflict between the two countries.

In the face of the massive armed attack by India, the President of Pakistan has called on the entire people of the country to rise in resistance against the enemy and appealed for sympathy and support from all peace-loving peoples of the world.

The Indian Government's armed attack on Pakistan is an act of naked aggression. It not only is a crude violation of all principles guiding international relations, but also constitutes a grave threat to peace in this part of Asia. The Chinese Government sternly condemns India for its criminal aggression and expresses firm support for Pakistan in its just struggle against aggression and solemnly warns the Indian Government that it must bear the responsibility for all the consequences of its criminal and extended aggression.

The Indian Government has always been perfidious on the Kashmir question. It once pledged solemnly with Pakistan to grant the Kashmiri people the right of self-determination. But far from honouring its pledge, it has brazenly declared that Kashmir is an integral part of India and subjected the Kashmir people to brutal national oppression. Where there is oppression there will be resistance. It is entirely proper that the people in the Indian occupied area of Kashmir should rise up in resistance. In order to cover up its sanguinary suppression of the Kashmiri people the Indian Government openly breached the cease-fire line in the disputed territory of Kashmir to intrude into the area under the control of Pakistan and carried out military provocations and armed occupation. This of course could not but arouse Pakistan to counter-attack in self-defence. All this was in the nature of a local conflict in the disputed territory of Kashmir between India and Pakistan.

India has already committed aggression on Kashmir. Now it has openly launched a massive armed attack on Pakistan. This is a still more serious act of aggression.

The United Nations has always had ill-fame on the Kashmir question. It solemnly pledged to guarantee national self-determination for Kashmir. However 18 years have passed during which the United Nations watched on without lifting a finger while India acted lawlessly in Kashmir. The United Nations did not utter a single word when India violated the cease-fire line. But as soon as Pakistan fought back in self-defence the United Nations came out to mediate. This is by no means the end of the story. It is inconceivable that the United Nations, which has been unfair for 18 years, should suddenly become fair. The so-called mediation by the United Nations is based on the report of the Secretary-General. The report itself is unfair. How can a fair conclusion be drawn from an unfair premise?

On the Kashmir question, the United Nations has once again proved a tool of US imperialism and their partners in their attempt to control the whole world. This will be further proved during the current extended aggression against Pakistan by India.

India's armed aggression against Pakistan is another exposure of the chauvinist and expansionist features of its ruling circles. The Indian Government glibly says that it pursues a policy of so-called peaceful co-existence. But actually it has never ceased for a single day its activities of bullying and encroaching upon its neighbours wherever possible. Almost every neighbour of India has known this from its own experience.

The Indian ruling circles are the greatest hypocrites in contemporary international life. The Chinese people have had a deep experience of this. Although the Indian ruling circles did not gain anything from their massive armed attack on China in October 1962, they have never stopped making intrusions and provocations along the Sino-Indian border. India is still entrenched on Chinese territory on the Sino-Sikkim border and has not withdrawn. It is constantly probing furtively and making

intrusions and harassment against Chinese territory in the western sector of the Sino-Indian border. Indian violations of Chinese territory are far from coming to an end. The Chinese Government has served repeated warnings. And it is now closely following the development of India's acts of aggression and strengthening its defences and heightening its alertness along the borders.

The Indian Government probably believes that since it has the backing of the US imperialists and the modern revisionists, it can bully its neighbours, defy public opinion and do whatever it likes. This will not do. Aggression is aggression. India's aggression against any one of its neighbours concerns all of its neighbours. Since the Indian Government has taken the first step in committing aggression against Pakistan, it cannot evade responsibility for the chain of consequences arising therefrom.

The Chinese Government is deeply convinced that, with the sympathy and support of the peace-loving countries and peoples of Asia and the whole world, the 100 million people of Pakistan will rise as one man to save their country and finally drive back the Indian aggressors.

7 September 1965.

Statement of the Government of Iran

Alarming reports of attack on Pakistan, all bearing upon blood-shed, have been received with immeasurable sorrow and concern by the people of Iran. The Iranian nation has profound attachment for the Pakistani brethren. In addition to cultural, religious and geographical affinity and various other aspects of close relations, the two nations are bound by inalienable bonds of friendship and love.

Now that India and Pakistan have been thrown into a military combat, the people of Iran are deeply concerned over the news that the Indian army has made aggression against the homeland of their Pakistani brothers. They express their deepest sympathy for their brothers and sisters in Pakistan and are determined not to limit their reaction to mere expression of sentiment.

They shall not fail to extend every possible assistance to their Pakistani brothers and sisters. This is the least they feel duty-bound to do in the strong bonds of friendship and fraternity.

8 September 1965.

Statement of the Prime Minister of Turkey

The Turkish Government has been following with the greatest concern and anxiety the outburst of hostilities between India and Pakistan. We believe that the continuation of these hostilities will constitute a source of suffering for the nations of both India and Pakistan and a serious threat to world peace. It is with this belief that the Turkish Government supports the immediate enforcement of a cease-fire between the parties in conformity with the appeal made by the Security Council and by the Secretary-General of the United Nations. We fervently hope that the intense efforts made by the UN Secretary General will yield positive results.

The grave crisis which has broken out between the two countries is the result of the failure to reach in all these years an equitable solution of the Kashmir dispute. So long as conditions for a negotiated settlement of this most important issue of Kashmir are not created, the probability, that serious and dangerous development will recur, cannot be ruled out. The Turkish Government believes therefore that no efforts should be spared to find a just and satisfying solution to the Kashmir problem. These efforts are an obligation incumbent not only on the countries concerned but on all peace-loving countries interested in the maintenance of world peace. The only sound way is for the parties to lay down their arms and start negotiations at once.

The spreading of hostilities by India despite the appeal of the Security Council outside of the area of dispute in Kashmir itself on to Pakistani territory and the bombing of Pakistani cities has aggravated the crisis. The concern this causes us is deep. These unfortunate events concern Pakistan who is an ally of Turkey within CENTO. In addition to the bond of alliance with Pakistan the Turkish and Pakistani nations are bond

by an unshakable friendship and fraternity. There is no doubt, therefore, that the suffering felt by the Pakistani nation is shared by the Turkish nation.

8 September 1965.

The Soviet Union and the India—Pakistan Conflict

Message from Mr. Kosygin, the Soviet Prime Minister, addressed to President Ayub Khan of Pakistan. (S/6685)

The seriousness of the situation arising recently in Kashmir impels me to address you once again concerning the question on which the Soviet Government expressed its opinion in its letter of 20 August 1965.

Unfortunately, the tension in the Kashmir area, far from easing, is growing and threatens to develop into a larger military conflict. The Agreement regarding the establishment of a cease-fire line in Kashmir, signed in 1949, and the established cease-fire line have in fact been violated. Both Pakistan and Indian regular military units have been involved in the military operations; tanks and aircraft are being used. The number of casualties is increasing from day to day. Not only soldiers but civilians too are losing their lives. Two of the greatest States of Asia, Pakistan and India, sponsors of the Bandung Conference, have actually embarked upon military operations.

The tendency towards a further expansion of the armed conflict aggravates the already tense situation in South and South-East Asia created by the aggression of United States imperialism. Such developments, of course serve the purposes only of those external forces that seek to divide the State which have liberated themselves from the colonial yoke and to set one against the other, forces that are interested in weakening the unity of the Afro-Asian countries. These forces are not averse to instigating Pakistan and India to increase the bloodshed for their own ends, which have nothing in common with the interests of the Indian and Pakistan peoples.

We should not be frank if we did not say that the military conflict in Kashmir arouses the concern of the Soviet Govern-

ment also because it has occurred in an area directly adjacent to the borders of the Soviet Union.

I think that you will agree that in the present serious situation it is hardly appropriate to place the question of the causes of the origin of the conflict in the forefront or to seek to determine who is right and who is to blame. The principal effects should be concentrated upon the immediate cessation of military operations, the halting of the tanks and the silencing of the guns.

The settlement of a dispute between two neighbouring countries is, first and foremost, a matter for these countries and their Governments. Nevertheless, the Soviet Government, guided by the interests of strengthening peace and international security and desirous of promoting the normalization of relations between Pakistan and India, would like to make some observations concerning the settlement of the conflict. In our opinion, the first step after the immediate cessation of hostilities could be the reciprocal withdrawal of troops to positions behind the cease-fire line established by agreement between Pakistan and India in July 1949.

Acting in the spirit of the United Nations Charter and the Bandung principles, the parties should enter into negotiations for the peaceful settlement of the differences that have arisen between them. As for the Soviet Union, both sides could count on its willing co-operation or, to use the accepted expression, on its good offices in this matter. We are ready for this, if both sides consider it useful.

We are deeply convinced—and the experience of history confirms this—that all disputes, including the questions associated with Kashmir, can be settled most effectively by peaceful means alone. Military action cannot lead to their solution. Intensification of military operations by one side inevitably leads to a greater military effort by the other, and consequently to an extension of the conflict and perhaps even war.

The fact that the Pakistan Government has sought, especially of late, to direct its efforts to the maintenance of world peace gives us reason to hope that, in connexion with the

recent events in Kashmir, it will take all the measures within its power to end the hostilities in this area and to settle the conflict by peaceful means.

Life teaches us that it is better to put out the fires of war at the very start. Restraint and goodwill undoubtedly will make it possible to prevent developments from following a dangerous course and to find a peaceful solution to the conflict which has arisen in the Kashmir area.

The Soviet Government deemed it necessary also to address a similar letter to Prime Minister Shastri of India.

Accept, Sir, etc.

4 September 1965.

Tass Statement on the India—Pakistan Conflict

As reported earlier in the Soviet Press, an armed conflict recently flared up between the two neighbouring States of India and Pakistan in the Kashmir area. Tension is not only not easing but, according to the latest reports, military operations are assuming an ever broader scope and the region of these operations has transcended the boundaries of Kashmir. The cease-fire line in Kashmir, established by the Indian-Pakistani Agreement of 1949, has, in effect, been violated at several places. Large military units are involved in the military operations from both sides; tanks and aircraft are being used.

Pakistani troops, as foreign news agencies report, have advanced several dozen kilometres into the depths of Indian territory. At the same time, as Reuters reported 6 September, India's Defence Minister Chavan stated in Parliament that Indian troops had crossed the State frontier in Panjab near Lahore. The Indian air force is making combat flight in the region of West Pakistan. India's Prime Minister, according to news agencies, described the situation in Kashmir as a veritable war between India and Pakistan. Pakistan's President Ayub Khan, in a broadcast on 6 September, said that Pakistan was in a state of war... a state of emergency had been proclaimed in the country. The number of casualties is increasing from day

to day. Not only soldiers but also civilians are dying. Such is the serious situation obtaining in that part of Asia.

There is not doubt that the armed conflict in the Kashmir region cannot benefit either of the side—India or Pakistan. Present developments in that region play into the hands only of those outside forces that seek to disunite and set at loggerheads the States that cast off the colonial yoke. In the past, too, these forces have more than once tried to exploit the Kashmir issue to prevent the establishment of good-neighbourly relations between India and Pakistan, seeking to set them at loggerheads. They are undoubtedly, now, too, instigating India and Pakistan to extend the bloodshed for the sake of their ends which run counter to the national interests of the Indian and Pakistani peoples who are vitally interested in the strengthening of peace. It is needed by the peoples of India and Pakistan to solve the many intricate and important problems of development of their States.

The tendency towards a further expansion of the armed conflict between India and Pakistan—the two big Asian States—aggravates still further the tense situation in South and South-East Asia created by the United States aggression against the Viet-Nameese people.

The armed conflict between India and Pakistan evokes serious concern in the Soviet Union which always holds close to heart the cause of preserving peace. This concern is increasing because the conflict is passing in an area neighbouring on the frontiers of the Soviet Union.

The USSR is coming out for the solution of disputes between sovereign States by way of talks, by peaceful means. Realising the entire complexity of the situation in the Indian-Pakistani conflict, Soviet people believe that there is a possibility to find a peaceful solution of the disputes between India and Pakistan, given that the statesmen of both countries display realism, restraint and an understanding of the grave consequences of a development of the armed conflict.

Tass has been authorized to state that the Soviet Government has urged both sides—India, whose policy of non-alignment earned broad international recognition, and Pakistan—

to immediately stop military operations and to effect a mutual withdrawal of troops beyond the cease-fire line established by the Agreement between India and Pakistan in 1949 to remove the troops to the territory on which they were before the outbreak of military operations.

The Soviet Union expects that India and Pakistan acting in the spirit of the United Nations Charter and the Bandung principles enter into talks on a peaceful settlement of the conflict. The Soviet Government stated that both sides could rely on kind co-operation on the part of the Soviet Union or, as one says, on the good officers, if both sides deemed this useful.

The settlement of the present conflict between India and Pakistan is an urgent matter. An understanding of this has been reflected in particular in the unanimously adopted resolutions of the Security Council on 4 and 6 September.

The restraint and goodwill of both sides will undoubtedly create an opportunity to prevent the dangerous development of events and to find a peaceful solution of the conflict. Hope is expressed in the Soviet Union that the leaders of India and Pakistan will heed the voice of friends of the Indian and Pakistani peoples. The Soviet Government also hopes that the wisdom of the statesmen in India and Pakistan in the understanding and appraisal of the situation will triumph and that peace between the two neighbouring countries will be restored.

7 September 1965.

Tass Statement of the India—Pakistan Conflict

Incoming reports indicate that the armed conflict between India and Pakistan is mounting. The hostilities which started in Kashmir are spreading to new areas. Both sides are bringing increasing numbers of troops into action. Air raids are being intensified, the targets being not only points located in the areas of hostilities, but inland towns of both states, including the capitals. Airborne troops are being landed in the rear. Naval forces are beginning to participate in the operations.

The mounting hostilities between India and Pakistan, parallel with the continuing aggression of American imperialism in Vietnam, increase the threat to peace in South and South-East Asia, the threat to world peace. It is therefore natural that the government of many states near the area of conflict, and on other continents as well, are displaying legitimate concern and appealing to both sides to stop the armed conflict immediately and to settle it by peaceful means. The Secretary-General of the United Nations Organisation carrying out a decision of the Security Council is also exerting efforts along these lines. With increasing insistence it is being urged that measures be taken as soon as possible to stop the bloodshed, extinguish the hotbed of war in this area of Asia and restore peace which is so essential for the constructive efforts of both the Indian and the Pakistani peoples.

However, certain forces are trying to make capital out of the aggravation of Indo-Pakistani relations. By their provocative statements they are encouraging the spread of the military conflict. This stand can only worsen the situation and turn the present conflict into a conflagration on an even larger scale. If this happens many states may, in succession become involved in the conflict. This is a perilous prospect. As history has shown, it could have the gravest consequences not only for the peoples of the area where the conflict began, but far beyond it.

Such a turn of events is unquestionably not in the interests of the peoples of India and Pakistan, or the peoples of the rest of Asia. Whatever the cause of the outbreak of hostilities between India and Pakistan, one thing is clear; only the forces of imperialism and reaction, only those who would like to reimpose the yoke of colonialism and neo-colonialism on the liberated peoples, would benefit from spreading hostilities further. American imperialism is already trying to take advantage of the military clashes between India and Pakistan to distract the attention of the peoples from the US aggression in Vietnam.

Tass is authorised to state that the Soviet Government, seriously concerned over the recent developments, urges once

more that the governments of India and Pakistan show wisdom and take measures to stop hostilities at once. None will deny that it is more difficult to achieve a reasonable settlement of problems between the two states when blood is being shed, towns and villages destroyed and when military zeal is running high. The broadening of the conflict cannot but engender new problems whose solution may prove even more difficult.

The Soviet Government hopes that, guided by the interests of peace, the governments of India and Pakistan, following immediate cessation of hostilities, will withdraw their troops behind the ceasefire line established by the 1949 agreement, to where they were before hostilities began. The only possible way of settling the conflict is through peaceful negotiation. The Soviet Government, as was stated in the 4 September 1965 messages of the Chairman of the USSR Council of Ministers to the Prime Minister of India and to the President of Pakistan, is prepared to offer its good offices, should the two sides desire it.

The settlement of the conflict is above all a matter for India and Pakistan. However, considering the present course of events, much depends upon other states too.

It is necessary to realise how great a danger is inherent in these events, to show moderation and a sense of responsibility. All states should contribute towards halting the conflict, stopping the bloodshed. As for those who facilitate the widening of the conflict by their provocative statements and policies, all states, the whole world, should warn them that they are assuming a grave responsibility for this policy, for these actions. No government has the right to throw fat in the fire. The dangerous development of events must be stopped, peace on the frontiers lying between India and Pakistan must triumph.
13 September 1965.

Message from Mr. Kosygin, the Soviet Prime Minister, addressed to President Ayub Khan of Pakistan

We deeply regret that the armed clash between Pakistan and India continues, bloodshed has not been stopped and the conflict has not been ended. Though it is now impossible to

foresee all the negative consequences of this course of events, there are many reasons to fear that a continuation of the conflict may cause irreparable harm to the national interests of both Pakistan and India, to the cause of peace and security of the peoples.

There is not need, I think, to repeat here that our position in the obtaining situation is dictated by one thing, and one thing only—a sincere desire to contribute to the earliest restoration of peace on the borders between Pakistan and India. Guided by the best of intentions and the interests of preserving peace, the Soviet Government, in its messages of 4 September this year to you, Mr. President, and also to the Prime Minister of India, set out some of its considerations concerning the settlement of the Indo-Pakistani armed conflict, and offered its good offices for this purpose.

We are glad that you, Mr. President, highly assessed the Soviet Government's concern over the Indo-Pakistani conflict and received with understanding our sincere effort to contribute to the earliest settlement of the conflict.

In developing its offer of good offices to both sides, the Soviet Government is submitting the following proposal for the consideration of the Governments of Pakistan and India to hold on our territory a meeting in which you, Mr. President, and the Prime Minister of India would take part to establish a direct contact in order to achieve agreement on the re-establishment of peace between Pakistan and India. If desired by both sides, the Chairman of the Council of Ministers of the USSR could also take part in this meeting. Such a meeting could be held in Taskent for instance, or any other city in the Soviet Union. One thing is important—to meet and start negotiations. It is important that the guns become silent and the blood of the two fraternal peoples ceases to flow. Each new day of the armed conflict produces new complex problems, which above all can impose a heavy burden on the peoples of Pakistan and India.

We are convinced that Pakistan would only strengthen its international authority and its prestige as a peaceable state if on its part it displayed an initiative toward ending the blood-

shed, and took a definite step toward peaceful negotiations.
17 September 1965.

**5. Correspondence Exchange between Prime Minister
Lal Bahadur Shastri and U. Thant, Secretary General
of the United Nations 12 September, 1965**

Mr. Prime Minister,

The acute suffering of the peoples of India and Pakistan resulting from the existing tragic conflict situation between the two countries; the grave implications of the fighting for the economies of the two countries and for their future relations; and the potential threat which that conflict poses to world peace, afford compelling reasons for pursuing vigorously the search for an enduring solution to the mutual problems of India and Pakistan.

Under prevailing conditions, the first essential step in that search, and an indispensable pre-requisite to further efforts, must be an immediate and unconditional cessation of hostilities in the entire area of the conflict. The call for an immediate cease-fire in the Security Council resolutions of 4 and 6 September is in line with the well-established tradition of the United Nations which invariably requires fighting to cease unconditionally as a necessary prelude to further measures towards the restoration of lasting peace. The immediate objective, therefore, must be to give effect to these resolutions.

In the light of the frank and useful talks I have had in Rawalpindi and New Delhi in the last few days, I now request Your Excellency to order a cease-fire without condition, and a cessation of all hostilities in the entire area of the current conflict between India and Pakistan to take effect on Tuesday, 14 September 1965, at 18-30 hours (New Delhi time). I have addressed an identical request to President Ayub Khan. I assume, of course, that all of your commanding officers in the field would be given their orders by you considerably in advance of this time. I have heard and understand, in the course of my talks, the difficulties on both sides to a simple cease-fire but I make this request to you, nevertheless, because

of my strong conviction that it is just and right—for your country and your people as well as for the world at large. I have no doubt that your positive response would win for you the gratitude of the world.

As soon as this request has been acted upon positively, I am confident that the Security Council will wish to provide the necessary assistance in ensuring the supervision of the cease-fire and the withdrawal of all armed personnel on both sides back to the positions held by them before 5 August 1965, as called for by the Security Council resolution of 6 September.

I am sure also that the Council will wish to explore, as a matter of urgency, means and methods for achieving enduring peace between India and Pakistan. On the basis of my talks with Your Excellency, I am confident that, with the well-being of your own country and people at heart as well as the peace of the world, you will find it possible to respond favourably to this appeal to carry out the Security Council resolutions of 4 and 6 September. I would ask you to be good enough to communicate your response to me urgently, and in any case, not later than 07-30 hours (New Delhi time) on Tuesday, 14 September 1965. This message will be held private and confidential until your reply has been received.

In conclusion may I assure you of my earnest wish to be of continuing assistance in the solution of outstanding problems and of my warmest good wishes.

(Sd) U THANT
Secretary-General

His Excellency
Prime Minister Lal Bahadur Shastri,
Republic of India.

*New Delhi,
September 14, 1965*

Mr. Secretary-General,

I thank you for your letter of 12th September, 1965 and appreciate greatly the sincere concern which you have expressed

about the likely repercussions of the existing situation on the welfare of the peoples of India and Pakistan. Ever since India attained independence in 1947, we have concentrated attention on the economic development of our country with a view to eradicating poverty and providing a reasonable standard of living to our people. Such resources as we could mobilise have been devoted to this vital task. All these years, we have actively and purposefully pursued a policy of non-alignment and of peaceful co-existence. We have sought peace and friendship with our neighbours. Our faith in the forces of peace was so genuine and so strong that we did not pay the requisite attention to building up adequately the defence forces of the country. It was only after the Chinese invasion on our northern borders in 1962 that we realised how essential it was for us to be prepared for defending our territorial integrity.

So far as Pakistan is concerned, our effort has always been to promote good-neighbourly relations. There has not been even a single occasion, during the last 18 years, when India has deviated from the path of peace in her relationship with Pakistan, let alone thinking of any aggressive action. In fact, on more than one occasion, both I and my distinguished predecessor have offered to enter into a no-war pact with Pakistan so that there is no possibility of a clash of arms between the two countries.

The response from Pakistan has been disappointing in the extreme. Our proposal for a no-war pact has been repeatedly turned down. An atmosphere of conflict and tension has been continuously maintained through a variety of ways, including firing across the cease-fire line, repeated border incidents elsewhere and a campaign of hate against India through the controlled press and radio of Pakistan. Important men, occupying responsible positions in that country, have openly and repeatedly declared their intention to use force against India in achieving their objectives. Not content with that, the rulers of Pakistan have launched naked aggression against India three times since 1947, twice in our State of Jammu and Kashmir and once in our State of Gujarat.

Mr. Secretary-General, we fully understand the concern of

the Security Council over the present situation and we greatly appreciate its efforts towards the restoration of peace. I cannot, however, help expressing here that if the same concern had been shown immediately when Pakistan launched a massive attack on India on August 5, 1965, by sending thousands of armed infiltrators equipped with Pakistani arms and ammunition and offered by men of the regular forces of Pakistan, about which there is irrefutable evidence, for the purpose of capturing vital positions, such as airports and police stations, cutting off lines of communication, destroying bridges and other public property and creating disorder with a view to seizing power from the lawfully established Government, in accordance with a pre-determined plan of invasion, the situation would not have assumed its present serious proportions. I would not go further into this aspect of the matter, but must add that having been attacked by Pakistan, we had to take action to defend ourselves. I must also stress and I hope it will be appreciated that at every stage whatever action our Armed Forces took was directed solely by the requirements of self-defence to meet the aggression of Pakistan.

Whatever be the context, Mr. Secretary-General we greatly welcome your visit and we recognise the importance of your mission from the point of view of peace, not only in the Indian sub-continent, but indeed, in the world as a whole. India has always believed in peace and her adherence to peaceful methods stands unshaken. In deference to the wishes of the Security Council and to the appeals which we have received from many friendly countries, we accept your proposal for an immediate cease-fire. We would, therefore, be prepared to order a cease-fire effective from 6.30 a.m. IST on Thursday, 16 September 1965, provided you confirm to me by 9 a.m. tomorrow that Pakistan is also agreeable to doing so.

In your letter, it has been suggested that the Governments of India and Pakistan should give the requisite orders to their field commanders with a view to ensuring an effective cease-fire from the appointed time and date. This will, however, be effective only in respect of the Armed Forces in uniform engaged in the present combat. The problem of thousands of

armed infiltrators who have crossed over into our State of Jammu and Kashmir, from the Pakistan side, will, I am afraid, continue to remain on our hands. Armed as they are with dangerous weapons of destruction, such as machine-guns and handgrenades, they do even now, as I write this letter, make sudden depredations in an effort to damage vital installations and other property and harass the people of the State of Jammu and Kashmir. That this invasion by armed infiltrators in civilian disguise was conceived, planned and executed by Pakistan is now well-established. Your own report, Mr. Secretary-General, brings this out clearly. And yet, as we understand from you, Pakistan continues to disclaim all responsibility. We are not surprised at this denial, because even on an earlier occasion when Pakistan had committed aggression by adopting similar methods, she had at first denied her complicity, although at a later date she had to admit her involvement. We must urge that Pakistan should be asked forthwith to withdraw these armed infiltrators. Until that is done, our security forces will have to deal with these raiders effectively.

Mr. Secretary-General, may I remind you that it was only the other day, in April this year, that Pakistan had launched an armed attack supported by tanks and other armour, in our State of Gujarat. Despite gave provocation, we had then acted with great self-restraint and had taken no counter-measures. Eventually, a cease-fire agreement was signed, in which among other things, both sides had expressed the solemn hope that the tension between the two countries would get reduced. Subsequent events have shown that Pakistan never meant what she had agreed to expressly and specifically in that cease-fire agreement. It has come to us as a great shock that even from the month of April, 1965, plans for invading India in another sector had been prepared and training was being imparted to the armed personnel for war-like operations on our territories. Within less than five weeks of the signing of the Indo-Pakistan Cease-fire Agreement relating to the West Pakistan-Gujarat Border, Pakistan attacked Indfa once again. In the light of our own experience during the last few months, we will have to insist that there must be no possibility of a recurrence of armed

attacks on India, open or disguised. Let me make it perfectly clear, Mr. Secretary-General, that when consequent upon cease-fire becoming effective, further details are considered, we shall not agree to any disposition which will leave the door open for further infiltrators or prevent us from dealing with the infiltrations that have taken place. I would also like to state categorically that no pressures or attacks will deflect us from our firm resolve to maintain the sovereignty and territorial integrity of our country, of which the State of Jammu and Kashmir is an integral part.

In conclusion, Mr. Secretary-General, I must point out that the menacing forces of aggression are unfortunately at large in Asia, endangering the peace of the world. If the Security Council does not identify the aggressor and equates it with the victims of aggression, the chances of peace will fade out. The situation which the Security Council is being called upon to handle has grave and vital implications in respect of peace and political stability in Asia. What is involved is the welfare of millions of human beings who have suffered for long and who are now entitled to relief and to a better standard of living. If the forces of aggression are not checked effectively, the world may find itself embroiled in a conflict which may well annihilate mankind. We sincerely hope that the forces of peace will win and that humanity will go forward towards ever-increasing progress and prosperity. It is in this spirit that we are agreeing to your proposal for a cease-fire.

His Excellency

(Sd) LAL BAHADUR

U Thant

Secretary-General, United Nations

14 September 1965

Mr. Prime Minister,

I have received Your Excellency's reply to my message of 12th September in which, in pursuance of the mandate given to me by the Security Council, I requested you to order a cease-fire without condition and a cessation of all hostilities in the entire area of the current conflict. I appreciate the positive

attitude toward a cease-fire expressed in your reply an attitude which has also been expressed by President Ayub Khan.

I note, however, that both governments have added to their replies to my request for an unconditional cease-fire conditions and qualifications upon which I have no right under the Security Council resolution to give undertakings. These aspects of the replies of the two governments must be referred to the Security Council for its urgent consideration, and they will be so referred immediately by me.

Pending the Security Council consideration of the conditional parts of the two replies, I would again ask Your Excellency, in all sincerity, in the interests of the two countries and of world peace, to order a cease-fire and a cessation of all hostilities in the entire area of the current conflict. Since certain delays have transpired, I would set the effective time and date of such a cease-fire for 06-30 hours (New Delhi time) on Thursday, 16th September 1965.

I would ask Your Excellency to be good enough to send me an immediate response to this message. I have addressed a similar message to President Ayub Khan.

(Sd) U THANT
Secretary-General

His Excellency
Prime Minister Lal Bahadur Shastri,
Republic of India

New Delhi
September 15, 1965

Mr. Secretary-General,

Thank you for your message of September 14, 1965 which was conveyed to me late last night. You have said that you cannot give any undertakings. I fully appreciate and understand this and in fact I did not ask you for any. It was, however, essential for us to state clearly our stand in regard to certain matters which are of vital importance to us.

I reaffirm my willingness, as communicated yesterday, to order a simple cease-fire and cessation of hostilities as proposed by you, as soon as you are able to confirm to me that the

Government of Pakistan has agreed to do so as well. The actual time when the cease-fire would become effective would depend upon the time when you are able to convey to me the agreement of the Government of Pakistan to a cease-fire.

(Sd) LAL BAHADUR

His Excellency

U Thant,

Secretary-General, United Nations.

September 15, 1965

Mr. Prime Minister,

The desperate nature of the situation brought about by the intensification of the war between India and Pakistan impels me to make a further effort to help your two countries to find a path to peace.

The Security Council within a 3-day period, from 4-6 September, has twice called for a cease-fire. I have made two direct appeals to the same end, and a number of governments and heads of state have also made direct appeals to you, as well as offers of good offices, with a view to bringing this tragic conflict to an end. The replies from both governments to my message of 12 September have shown clearly the desire of both for a cease-fire, but both pose conditions which make the acceptance of a cease-fire very difficult for the other side. For this reason, to my profound regret, it has so far been impossible to obtain a cease-fire as required by the Security Council resolutions of 4 and 5 September.

It is worth again considering why such unusual efforts on a world scale have been made to end this conflict. Clearly it is because there is almost universal recognition that war between India and Pakistan can lead only to disaster for the two countries themselves and for the world at large.

I have just completed a round of very frank and open talks with you and President Ayub Khan. I have implored Your Excellency, for the sake of your own people and in the interests of the broader peace, to agree, as a first step, to stop the fight-

ing, which in the circumstances of today can solve nothing and lead nowhere but to common disaster.

I fully realize the extreme difficulty for both governments of the situation which has led to the present crisis. I do not underestimate for a moment the strength of the feelings involved on both sides or of the intricacy and seriousness of the problems underlying them. I know very well that these problems may take years of patient effort to tackle and to solve.

I have found, however, that both sides have in common a genuine desire for peace, and it must be on that common desire that they must base themselves if they are ever to be able to advance from the present mutually disastrous situation. It follows that the first step must be to stop fighting and to cease all forms of active hostility on both sides.

Since it became clear that my appeal to both sides for a cease-fire has failed to have an effective result, I have been searching for some other approach that might be acceptable to both sides. In my search, I remembered another period, when the eyes of the world were turned in anxiety and fear upon the developments in this part of the world, the period of late 1962.

On that occasion the President of Pakistan and the Prime Minister of India issued, on 29 November 1962, the following joint statement on behalf of their governments:

"Joint Statement

"The President of Pakistan and the Prime Minister of India have agreed that a renewed effort should be made to resolve the outstanding differences between their two countries on Kashmir and other related matters, so as to enable India and Pakistan to live side by side in peace and friendship.

"In consequence, they have decided to start discussions at an early date with the object of reaching an honourable and equitable settlement.

"These will be conducted initially at the ministerial level. At the appropriate stage direct talks will be held between Mr. Nehru and President Ayub."

This was an act of statesmanship which did much to bring calm to the situation in the two countries themselves and to ease the anxieties felt in the world at large. If the subsequent talks did not bring a solution of the basic problems, at least the immediate crisis was weathered and the storm avoided.

I have referred to this statement because I believe that the abatement of the present crisis might now best be achieved by a new effort by the two governments themselves to reach an honourable and equitable settlement. I have so far refrained from making a specific proposal for a meeting of the heads of the two governments at this time, either with or without my presence, because I know well the often expressed reservations of both sides with regard to such a meeting.

However, I wish now to suggest, in a situation as grave or graver than the one which faced both governments in November 1962, that Your Excellency should give urgent consideration to such a meeting. For my part, I am at your disposal for any role which may assist the two governments in their efforts to stop the fighting and to take the first steps upon the path of mutual accommodation. In this regard, I may remind you of the number of offers you have had from world leaders who are willing to be available to you for any conciliatory assistance you may wish. Indeed, if you seek the ways of peace, most of the world stands ready to assist you.

I am now obliged to return to New York urgently to report to the Security Council, but I hope to receive an early reply to this suggestion, and I wish to make it clear that I am available at any time to assist in efforts to attain the goal of peace and harmony, which, despite all the difficulties, I firmly believe we all have at heart. I have addressed a similar message to President Ayub Khan.

May I be so frank as to say that this appeal is made also because I cannot believe that the leader of either country would wish to bear responsibility for the catastrophe that war will visit upon your countries and the world if there is any other reasonable and sensible course open to you. What I here propose to Your Excellency, clearly is such a course, and I

make bold to say that you owe it to your countries and to all the peoples of the world to follow it.

With warmest personal regards and my prayers that the leaders of both countries may find it possible to choose the way of peace.

(Sd) U THANT
Secretary-General

His Excellency

Prime Minister Lal Bahadur Shastri,
Republic of India.

September 20, 1965

Mr. Secretary-General

"As already communicated to you in my letter of 15th I am willing to order a simple cease-fire and cessation of hostilities on being informed of Pakistan's agreement to do likewise. To carry into effect such a cease-fire from 7 a.m. GMT on Wednesday, 22nd September, as provided for in the Security Council Resolution, it would be necessary for me to arrange for the issue of necessary orders to Field Commanders latest by 12 noon GMT on 21st September. I would, therefore, request you kindly to inform me of Pakistan's agreement to cease-fire before this hour."

(Sd) LAL BAHADUR

His Excellency

U Thant

Secretary-General, United Nations

6. The Text of Lal Bahadur Shastri's statement in both Houses of Parliament on 17 September 1965

"I want to inform the House that this morning we received a communication from the Chinese Government demanding that within three days we should dismantle our defence installations which they allege are located on their side of the border in Tibet across the Sikkim border. I might, for the benefit of the House, read out the relevant portions of the communica-

tion although I would be placing the communication and our reply of the table of the House.

"In its Notes the Indian Government continues to resort to its usual subterfuges in an attempt to deny the intruding activities of Indian troops along the Sino-Indian boundary and the China-Sikkim boundary. This attempt cannot possibly succeed. Since cease-fire and troop withdrawal were effected along the Sino-Indian border by China on her own initiative in 1962, Indian troops have never stopped their provocations, and there have been more than 300 intrusions into China either by ground or by air.

"The Chinese Government has repeatedly lodged protests with the Indian Government and served warnings to it and has successively notified some friendly countries. The facts are there, and they cannot be denied by the Indian Government by mere quibbling. Moreover, the Chinese Government has four times proposed Sino-Indian Joint Investigation into India's illegal construction of military works for aggression on the Chinese side of the China-Sikkim boundary, but has each time been refused by the Indian Government.

"Now the Indian Government pretentiously says that the matter can be settled if only an independent and neutral observer should go to the border to see for himself. It further shamelessly asserts that Indian troops have never crossed the Sikkim-China boundary which has been formally delimited, and that India has not built any military works either on the Chinese side of the border or on the border itself. This is a bare-faced lie. How can it hope to deceive anyone?

"As is known to everybody, the Indian Government has long been using the territory of Sikkim against China. Since September, 1962, not to mention earlier times, Indian troops have crossed the China-Sikkim boundary, which was delimited long ago, and have built a large number of military works for aggression either on the Chinese side of the China-Sikkim boundary or on the boundary itself. There are now 55 such military works, large and small, which they have built in the past few years, all over the important passes along the China-

Sikkim boundary, thus want only encroaching upon China's territory and violating her sovereignty.

"In these years the Chinese Government has made 13 representations to the Indian Government. But the Indian Government has all along turned a deaf ear to them and does not have the slightest respect for China's sovereignty and territorial integrity. Far from stopping its acts of aggression, the Indian Government has intensified them by ordering its troops to intrude into Chinese territory for reconnaissance and provocation."

We are sending a reply to all those points and, as I said, I shall place the reply on the table of the House. I will read out the relevant portions of our reply.

Ever since the Sino-Indian border problem was raised by the Chinese Government, the Government of India had made strenuous attempts to settle the question peacefully and with honour. Even after the unprovoked Chinese attack across the border in October-November, 1962, the Government of India consistently followed the policy of seeking a peaceful settlement honourable to both the parties concerned.

As has been pointed out in various Notes to the Chinese Government in the past, the Government of India has given strict instructions to its armed forces and personnel not to cross the international boundary in the Eastern and the Middle Sectors and the so-called 'line of actual control', in the Western Sector. The Government of India are satisfied, after careful and detailed investigations, that Indian personnel as well as aircraft have fully carried out their instructions and have not transgressed the international boundary and the 'line of actual control' in the Western Sector at any time at any place.

The Government of India are, therefore, absolutely convinced that the allegations contained in the Chinese Notes under reply are completely groundless. The Government of India are constrained to reject these allegations and to reassert emphatically that they do not accept the claims to west areas of Indian territory in the Western, Middle and Eastern Sectors of the border put forward in the Chinese Note under reply. As

regards China's stand on Kashmir and on the present unfortunate conflict between India and Pakistan, it is nothing but interference on the part of China calculated to prolong and to enlarge the conflict.

The background of the matter is that in September 1962 some defence structures were constructed on the Sikkim side of the Sino-Indian frontier. These structures have not been in occupation since the cessation of hostilities in November, 1962. Since the Chinese Government alleged that some of these structures were on their side of the border, India had in its Note of September, 12, 1965, gone to the extent of suggesting that an independent observer be allowed to go to this border to see for himself the actual state of affairs.

The Chinese Government has not, unfortunately accepted reasonable proposal and has reiterated its proposal for joint inspection. In our reply, which is being sent today, we are informing the Chinese Government that their contention is entirely incorrect. Nevertheless, as an earnest of our desire to give no ground to the Chinese for making this a pretext for aggressive action we are informing them that we have no objection to a joint inspection of those points of the Sikkim-Tibet border where Indian personnel are alleged to have set up military structures in Tibetan territory. The Government of India on their part are prepared to arrange such an inspection as early as possible, at an appropriate official level, on a mutually convenient date.

We have sent a reply to the Chinese Note accordingly and hope that the Chinese Government would agree to action being taken as proposed. Copies of the Chinese Note and of our reply have been as placed on the table of the House.

I know the House would feel concerned about the intentions of the Chinese Government. We do hope that China would not take advantage of the present situation and attack India. The House may rest assured that we are fully vigilant and that if we are attacked, we shall fight for our freedom with grim determination. The might of China will not deter us from defending our territorial integrity. I shall keep the House informed of further developments.

7. The Text of Lal Bahadur Shastri's Statement in the Lok Sabha on 22 September 1965 on the Cease-fire

"I place on the table of the house a copy of the Security Council resolution dated September 20, 1965, relating to the current conflict between India and Pakistan,—a conflict which commenced on August 5, 1965, when Pakistan launched a massive attack on India by sending thousands of armed infiltrator across the cease-fire line in our State of Jammu and Kashmir.

"As the hon'ble members would see, the Security Council had demanded that both Governments should order a cease-fire effective from 12-30 p.m. (IST) today, September 22, 1965. On the question of cease-fire, the views of the Government of India were stated in detail and without any ambiguity in my letters of September 14 and 15, 1965, addressed to the Secretary-General. As stated in these letters, the Government of India had clearly accepted that they would order a cease-fire without any pre-conditions on being informed that Pakistan had agreed to do the same. On receiving the Security Council resolution, therefore, we sent a communication to the Secretary-General, in accordance with our earlier stand, informing him that we would be prepared to issue orders for a simple cease-fire effective from the appointed time and date, provided Pakistan agreed to do likewise. A copy of this communication is also placed on the table of the house.

"Throughout yesterday there was no further message from the Secretary-General, but in the early hours of this morning we received a message from him advising us to order a unilateral cease-fire in compliance with the relevant provisions of the Security Council resolution, with the proviso that our troops could fire back if they were attacked. This, of course, was entirely impossible. In a battle which is continuing, it is just not possible for one side to ask its soldiers to stop firing, leaving the other side free to continue its operations. Our representative at the United Nations was, therefore, instructed to inform the Secretary-General accordingly.

"A further report was received a short while ago that at the

request of the Foreign Minister of Pakistan, an emergency meeting of the Security Council was convened, at which an announcement was made, on behalf of Pakistan that they also had agreed to issue orders for a cease-fire and cessation of hostilities. From our side the requisite orders are now being issued to our field commanders to effect a complete cease-fire by 3.30 a.m. tomorrow morning.

"The Security Council resolution refers to other matters which will require consideration subsequently. However, the policy of the Government of India in regard to matters which are of vital importance to us and which relate to the present conflict, has been stated by me on more than one occasion on the floor of this house and also in my recent communications to the Secretary-General.

"I do not propose to go into any further details at the present stage. Detailed discussions will have to take place and there would have to be a fuller study of the problems to which I have just referred. For this purpose, our representative at the United Nations will keep himself available to be Secretary-General.

"There will now be cessation of hostilities. Peace is good. However, there is still a threat from the Foreign Minister of Pakistan, which he held out today, while speaking in the Security Council. We have, therefore, to be very watchful and vigilant.

"The nation has recently been going through its greatest trial. The times have been difficult but they have served a great purpose. The whole world knows now that the people of India—Hindus, Muslims, Sikhs, Christians, Parsis and others—constitute a united nation with a determined common will and purposes. On the battle front, the supreme sacrifice has been made by the members of all communities, who have shown that they are Indians first and Indians last.

"To our armed forces I would like to pay, on behalf of this Parliament and the entire country, our warmest tributes. By their valour and heroism, they have given a new confidence to the people of India. Those who have lost their beloved on the battle front, have made a contribution to the preservation of

our independence, which will never be forgotten by a grateful nation. "Their sorrow and their pride are shared by the whole country.

"Mr. Speaker, Sir, I would now seek your permission to express to all the members of this august house, to all the political parties in the country, to the leaders of public opinion, of labour organisations, of business and industry, and of many other voluntary associations, my feelings of the deepest gratitude. In the hour of trial each one of the 470 million people of this country stood up shoulder to shoulder to meet the challenge to our freedom.

"I should like to inform the house that on September 18, 1965, I received a message from M. Kosygin, Chairman of the Council of Ministers, USSR, offering his good offices for bringing about improved relations between India and Pakistan. M. Kosygin is impelled by noble intentions. No one can ever contest the view that ultimately India and Pakistan will have to live together as peaceful neighbours. We cannot, therefore, say no to any efforts, which may help to bring about such a situation, made by those who are sincere and genuine in their feelings of goodwill and friendship. I have, therefore, informed M. Kosygin today that we would welcome his efforts and good offices.

"I would also like to give the house some further details about the tragic accident the other day in which we suffered a grievous loss. Investigations conducted on the spot show that the aircraft in which Mr. Balvantrai Mehta was travelling, was shot down by a Pakistani plane. The marks on the fuselage establish that gun fire had been used. Preliminary investigations by the Air Force authorities, who also have visited the scene, confirm that the aircraft was shot down at a low height. The ammunition recovered at the site of the crash also proves that the attacking aircraft was a Pakistani plane. That a non-combatant civilian aircraft should have been shot down in this manner is one of the most inhuman acts which we must all deplore and condemn. Mr. Balwantrai, his wife and the others who were travelling with him have laid down their lives at the

altar of the freedom of the country. Their names will remain enshrined in our memory.

"We are, Sir, still faced with the Chinese ultimatum. The house is aware that almost at the same time when the Chinese Government announced the extension of the time-limit of the ultimatum to India by 72 hours on September 19, their troops started provocative activities at several points of the border. On the Sikkim border, about which the Chinese have been making baseless and threatening allegations, the Chinese troops crossed the well-known and delimited boundary at Dongchui La and Nathu La on September 20 and 21, respectively. They fired at our observation posts. They have tried also to intrude into our other territories. Our armed forces have clear instructions to repel the aggressor.

"Yesterday we sent a reply to the Chinese note of September 20 in which India was alleged to have intruded into Dum Chale and committed armed provocation. The Chinese charge was rejected as a fabrication and a cover-up for the intrusion and firing at Tsaskur to which I have referred a little while ago."

8. The Text of the President Radhakrishnan's broadcast on 25 September 1965

"I spoke to you a fortnight ago on September 11. Since then, we have seen grim tragedy. U Thant, the Secretary-General of the United Nations Organisation, came here to take the first steps for the restoration of peace. We responded positively to his suggestion of a cease-fire as we were anxious to put an end to this wasteful bloodshed when the cream of both our countries was being cut off. The cease-fire took effect from 3-30 a.m. on September 23.

"We deplore the suffering and destruction, the disruption of family life, the wasting of human resources and the inevitable casualties of young men. War which sometimes becomes necessary for defensive purposes, is still an evil and a danger to humanity. It does no good to any country since it leaves a trail of bitterness, fear and suspicion, thwarts all attempts at social and economic development.

"The other day I went to two military hospitals here and saw among the wounded, young men of all communities; Hindu, Muslim, Christian, Sikh and Parsi. There is a general upsurge in the country which has dissolved our minor differences and integrated our people to a remarkable extent. There is oneness of feeling and purpose among our people, especially among the fifty million Muslims who have given a striking testimony of their deep patriotism.

"I should like to express our profound sorrow to those who have been bereaved by this war and our deep sympathy to the sick and wounded with prayerful wishes for their rapid recovery.

"The country will remember their memorable services with immense gratitude. It is my earnest hope that the spirit which has become manifest in these hard days, will continue with us in the years to come.

"I should like to congratulate our Prime Minister and the Government and our Chiefs, of Staff, General Chaudhuri, Air-Marshal Arjan Singh and Vice-Admiral Soman, on the hard and excellent work which they and those working under their leadership have done in these difficult days. We have today retrieved our prestige and it is my hope that our army, air force and navy will continue to function with daring heroism and skill and be treated as a force to be reckoned with.

"It is not our wish to destroy Pakistan or threaten its existence. Pakistan came into being as a result of the partition of India with goodwill and consent of our leaders. We want Pakistan to remain independent and sovereign. The people of Pakistan and India have ethnic, cultural and historical ties of long standing and we should co-exist as brothers, co-operating in economic, cultural and other affairs.

"This war was forced on us. Confident of victory against us, with mighty modern weapons, Pakistan tried to force the issue of Kashmir. Mao Tse-tung stressed that guerillas must live off the land and can succeed only if they have that friendship and help of the local inhabitants. Pakistan sent across the cease-fire line armed infiltrators to incite a revolt in Kashmir,

but they failed to gain the support of the people of Jammu and Kashmir. They failed even as the raiders assisted by Pakistan troops had failed in 1947.

"On that occasion Indian troops were not there. The Maharaja of Kashmir, supported by Sheikh Mohammad Abdullah, asked for India's intervention to repel the raiders. The Maharaja acceded to India and legally that accession was final and complete. Sheikh Abdullah said in the Security Council: 'Thousands of tribal Pathans, equipped with mechanised weapons of war, swooped down on us not merely as armed bandits, but as a centrally directed force with the avowed object of subjugating our land to the vassalage of Pakistan at the point of the gun'.

"In the Jammu and Kashmir Constituent Assembly, he repeated: 'Our accession to India is complete'.

"Sheikh Abdullah on April 13, 1952 said: 'The relationship existing between India and Kashmir, which had been sanctified by the blood of countless martyrs was irrevocable and no power on earth could 'render us asunder'.

"The same temper and attitude were shown by the people of Jammu and Kashmir when the infiltrators came in August 1965. Maulana Massoodi, a close associate and friend of Sheikh Abdullah, is reported to have told the Indian correspondent of the Christian Science Monitor, 'We Muslims feel much closer to Kashmiri Hindus than to Punjabi (Pakistani) Mussalmans'.

"Pakistan assumed India was too weak or too afraid or too proud to fight. India, though naturally disinclined to take to arms, felt the necessity to defend herself when attacked. Pakistan also assumed that communal disturbances would occur in the country and in the resulting chaos she could have her way. Her miscalculations must have come to her as a rude shock.

"India is a democracy. It is an essential condition of a democratic people that very are free from external aggression, from the imposition of an outside will by force, subversion or infiltration. The people are free to shape their destiny as they

choose. India is what the world aspires to be a multilingual, multi-racial, multi-religious society.

"A democracy does not attempt to mould the whole world in a single pattern. Every individual has the opportunity for self-expression and self-development. India is a symbol of the good society. The conflict with Pakistan turned out to be a major moral issue of our time, dictatorship or democracy, a controlled press or a free press, a non-communal state which respects all religions or a theocratic state. Many religious fanatics try to reach heaven by creating a hell on earth.

"The present conflict was calculated to involve the United Nations Organisation afresh in Jammu and Kashmir and compel it to issue a call to India to hold a plebiscite. It is argued that the democratic way of life demands the application of the principle of self-determination to Kashmir and its future should be decided by a referendum. Self-determination does not apply to parts of countries. If it did, it would fragment and disintegrate groups and countries.

"Frequent reference is made to the Security Council resolution of August 1948. But there are three parts of the resolution which have to be read together. Part II provided for the complete withdrawal of Pakistan troops from Jammu and Kashmir. This requirement was not carried out by Pakistan. This part also provided that Pakistan will use its best endeavour to secure withdrawal from the state of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who had entered the state for the purpose of fighting. The responsibility for the security of the whole state was assigned to India.

"By refusing to vacate the aggression, Pakistan sought to prevent the implementation of the resolution, though they still talk about it. The UN resolution, part III, which spoke about consulting the wishes of the people of Jammu and Kashmir could not be implemented if the truce agreement was not carried out by Pakistan. The past seventeen years have created a situation where a plebiscite is neither practical nor necessary. The conditions for it are incapable of implementation. If we think of it, we would worsen relations all round.

"Every effort was made to ascertain the wishes of the

people. A constituent assembly was set up and when the Kashmir Constitution was formulated, a provision was made reserving twenty-five seats in the Kashmir Legislative Assembly for the elected representatives of Pakistan-occupied Kashmir to be filled some day by the elected representatives. These seats are still waiting to be filled by a democratic election based on adult franchise.

"In accordance with the Indian Constitution, elections to the state assembly and the central Parliament have been held regularly on the basis of adult suffrage. The people of Kashmir have the right to choose their own Government and way of life. Their language, their religion and their culture and their economic needs are well met in a democratic framework.

"The people of Jammu and Kashmir are managing their affairs in full accordance with law and their own constitution. Thus the accession of Jammu and Kashmir to India is legally, constitutionally, politically and ethically complete and just.

"The Sino-Indian border troubles of 1962 have been used by Pakistan to secure the assistance of China. China combines commonsense and bravado in her foreign policy. China threatens trouble though she acts in accordance with her own interests.

"China knows that if she intervened on the side of Pakistan, she would invite the opposition of many countries, great and small. Her intervention would lead to a general war with all its disastrous consequences. China is aware of this danger of the extension of the war resulting in great power involvement. She is therefore content to create a diversion of small-scale activity along the Sino-Indian border to oblige Pakistan. But all the same we have to be alert and watchful.

"Let us forget the bitterness of recent months and enter an era of peaceful co-existence. We must seek the unity of man with his neighbours, with the world that he has built with the knowledge that can save or destroy him, which can stimulate or stifle him, with the machines which can enrich or menace his spirit. As members of the international community, holding that humanity is above all nations, we should sincerely adhere to the peaceful settlement of all disputes.

"The only concern of a true man is to be as human as possible. The German philosopher Schopenhauer complained that most men were like monkeys, it only made it worse, he lamented, that from a distance they often looked so deceptively human. Most wars are caused by misunderstandings, resentments, frustrations and nationalist emotions. These we have to subdue if we wish to behave like human beings.

"China and Pakistan are our neighbours and they should be persuaded to become our good and friendly neighbours. This is not impossible, difficult though it may seem today. We should work for that goal.

"*Dirgham Pasyat Ma Hrasvam* (Look far ahead: do not be shortsighted)."

9. The Text of Lal Bahadur Shastri's Statement in Parliament on 5 November 1965

"In the statement which I had made in this House on September 24, 1965, I had given an account of the developments culminating in a cease-fire coming into force between India and Pakistan at 3.30 a.m. on September 23, 1965. I do not wish to take up the time of the House by going into details about subsequent happenings which have been fully reported in the Press. I would instead try to present the broad picture of the later developments and to share with the House the Government's views and thoughts on the various issues that have yet to be resolved.

"The cease-fire is still far from being fully effective. The main reason for this is the fact that Pakistani forces have continuously tried to occupy posts and areas which were not in their hands when the cease-fire came into effect. It is these violations by Pakistan that account for the uneasy conditions that prevail in areas where our troops are facing the Pakistan Army. The House will recall that the actual hour of the cease-fire had to be put off by 15 hours beyond the dead line set in the Security Council resolution on September 20, 1965, because Pakistan delayed its acceptance of the cease-fire till the last minute.

“During the period between the acceptance of the cease-fire by both countries and its actual coming into force, Pakistani forces were actively engaged in trying to occupy fresh territory wherever possible and particularly in South-West Rajasthan. Even after the cease-fire, Pakistani troops did occupy a few posts and villages in Rajasthan which are separated from each other by long distances and are located in areas where there had been no fighting before.

“Apart from Rajasthan, in the Fazilka sector on September 24 and 25, in the Tithwal area on October 11, Pakistan launched major attacks in total disregard of the cease-fire. In the Chhamb area too, they have repeatedly tried to move forward after the cease-fire.

“The cease-fire agreement cannot stand in the way of our troops regaining territory treacherously occupied after the cease-fire came into effect. Wherever such violations have occurred, we have obviously no choice left except to deal with the situation and foil the Pakistani designs. Our taking such remedial action cannot be considered a violation of the cease-fire. It is necessary that the Security Council gives serious thought to this aspect of the matter. We have been regularly drawing their attention to the cease-fire violations by Pakistan, the total number of which now adds up to about a thousand.

“The Security Council must ensure that there are no more violations of the cease-fire and that the places occupied after the cease-fire are vacated forthwith. If real progress is to be made on the road to peace, the cease-fire must be made truly effective. Until the cease-fire becomes effective, it is not possible to proceed to the subsequent step of withdrawal of armed personnel.

“This was emphasized by me in a letter dated October 18, 1965, to the Secretary-General. I place on the table of the House copies of communications exchanged between the Government of India and the U.N. Secretary-General and between our Permanent Representative at the U.N. and the President of the Security Council.

“Another factor of the greatest importance in any discussion

on withdrawals is the manner in which we can be assured that the infiltration technique which Pakistan initiated on August 5, 1965 will not be repeated again. I had emphasized this point in my discussions and correspondence with the Secretary-General even before the cease-fire came into being. As far as I am aware no statement has been made by any Indian delegate to the U.N. or to the U.N. Security Council which has been inconsistent with whatever I have said in this House.

"I find it necessary to revert to this point with even greater emphasis because we have reports of a fresh build-up of infiltrators in Pakistan-occupied Kashmir and in the tribal areas. The tragic events of the past few months should make the U.N. and the Security Council realize that prevention is not only better but easier than cure. If firm action had been taken when infiltration began and General Nimmo reported on it, perhaps much of the tragic loss of life and property which followed could have been avoided. At that time, despite all our efforts, strong and prompt action was not taken.

"I do hope that the Secretary-General will start immediate investigations into what is going on in Pakistan-occupied Kashmir in preparation for unleashing a fresh wave of infiltrators.

"I cannot help expressing the feeling that the world would be saved much trouble and misery if aggression is not countenanced anywhere and objective efforts are made to identify the aggressor. In the recent conflict, the fact of Pakistani aggression could be seen by anyone who wanted to see. The Chief U.N. Observer gave a clear and objective verdict. The Security Council itself referred to August 5 as the crucial date. On this date, India had taken no action. It was Pakistan that had started sending massive waves of infiltrators and clearly she was the aggressor.

"Impliedly, Pakistan's aggression was noted but this certainty was not enough. A clear verdict was necessary and a body which is charged with the important responsibility of preserving world peace must necessarily be prepared to give a clear verdict. This is all the more necessary, because a new technique is being adopted under which invasions are launched

in disguise and forces of destruction are unleashed without the usual declaration of war. It is for this reason that India had been urging from the beginning that Pakistan should be identified as the aggressor.

"On its part, Pakistan has been denying all along its complicity in sending infiltrators into Kashmir. The actual position is, however, so clear that any impartial agency could testify to it. I would still like to suggest that the aggressor in the recent conflict be identified by some such method.

"Pakistan, it seems, is not really interested either in a cease-fire which it grudgingly accepted in form but not in substance, or in the subsequent steps which the Security Council resolution on the subject contemplates, namely, the withdrawal of all armed personnel which includes not only troops but also other infiltrators. Pakistan is pleading instead for immediate steps for bringing about what it describes as a political settlement. Translated into plain words, Pakistan wants the Security Council to give it what neither its armed infiltrators nor its regular troops could give it.

"With this object, Pakistan's Foreign Minister engineered a meeting of the Security Council and tried to have a discussion on the internal situation in Kashmir making all kinds of wild and baseless accusations. Our Foreign Minister made it quite clear that while we were ready to co-operate with the Security Council in the task of restoring peace, we would not participate in the discussion on matters relating to our internal affairs. When it became clear that Mr. Bhutto could not be restrained from raising matters pertaining to the internal administration of our State of Jammu and Kashmir, the Indian delegation abstained from taking part in subsequent meetings of the Security Council.

"If Pakistan wants an end to the present tense situation, let it first honour and respect the cease-fire agreement. Let it put an end to the daily violations of the cease-fire. Let it then withdraw its armed personnel from our territory and we shall also withdraw our troops from the areas under our occupation in Pakistan. More important than any of these things, let

Pakistan stop the various things which it is doing apparently in preparation for a fresh trial of strength.

“Let it stop the recruitment of irregular forces in Pakistan-occupied Kashmir. Let it put a stop to the digging of trenches and putting up of military structures which is going on at so many places just across the present cease-fire line. Let it give up its attempts to acquire arms and ammunition. Let it release the goods, the cargo and the vessels it has seized. Let it also give up its collusion with China which is based only on a common hatred of India and is aimed at weakening and disintegrating this country.

“Let Pakistan, to put it briefly, first restore normal relations before we can discuss how to establish better relations. Once Pakistan genuinely embarks upon the path of peace, the Government and the people of India will be ready to reciprocate. Unfortunately, all the evidence that we have about Pakistan's intentions shows no signs of any change of heart, any re-thinking, any desire to prefer peace to war.

“In these circumstances, we have to shape our policy on two planes, as it were. On the one hand, we have to be careful not to allow ourselves to be swayed by the same atmosphere of hatred, which the Pakistani leaders have tried to build up, and not to depart from the fundamentals of our policy of peace, of secularism and of economic development. On the other hand, we have to be vigilant and prepared to meet any threat at any time on any part of our territory.

“In our relations with Pakistan, we shall continue to behave in accordance with the canons of civilized society. Pakistan violated all diplomatic immunities by subjecting our High Commission in Pakistan to a search at the point of rifles and bayonets. Even though the movements and activities of the personnel of the Pakistan High Commission in Delhi were restricted, they enjoyed every protection and lived in safety and without molestation of any kind. Rather than retaliate against them, we decided to recall our High Commissioner from Pakistan and it is not our intention to send him back in the immediate future.

"There has been a good deal of discussion with regard to the question of payment of our dues under the Indus waters treaty. The Minister of Irrigation and Power on Thursday made a statement and the House is going to discuss this question. We do not wish to go back on commitments solemnly entered into by us, whether in regard to the Indus waters treaty or under the Kutch agreement. While we are always ready to meet force with strength, we shall continue to honour our pledged word.

"Regarding the seizure of our ships and cargoes by Pakistan the Minister for Transport had already made a statement in this House.

"On the plane of preparations we are doing all that is necessary. We are fully alive to the fact that at a time of their own choosing, Pakistan and its ally China might decide to act against us in concert, and we have, therefore, to be always on our guard against any eventuality. In our defence effort, we want to achieve self-reliance and in the shortest possible time. Our soldiers who are fighting at the front are fully entitled to the best that this country can give them, and in this effort we must not be found wanting.

"A new department of defence supplies has been created in the Ministry of Defence with the prime object of locating capacity within the country for those items, whether they are spare parts or components or complete equipment, needed for our defence for which we are dependent on imports. Even so, we may have to import either arms or the machinery to produce them.

"It was this imperative need that made the appeal to our people to subscribe to the Gold Bonds in a massive way. We have got to harness a substantial part of the gold reserves in this country and put them to the service of the nation, if we are to be strong and self-reliant. We have given considerable thought to the New Defence Loans and the National Defence Gold Bond Scheme, which are now in operation, and we have tried to take a practical view and give whatever inducements are possible. In themselves, these schemes are a useful invest-

ment, but what is more important, they represent a vital contribution to the nation's defence effort.

“Our countrymen today are imbued with a fierce determination to offer any sacrifice to make the country strong. I have every hope, therefore, that people will respond suitably to those schemes and especially that of the Gold Bonds in order to attain this objective.

“The House would naturally want to know how we view the likely course of future events so far as Indo-Pakistan relations are concerned. Our own position is quite clear. We want to live in peace with Pakistan. We have never taken the initiative in forsaking the path of peace, nor shall we do so in future. We do not want to annex any part of Pakistan's territory. But the restoration of peace and its future preservation can be assured only if Pakistan given up the stormy course of wanton aggression. We cannot, Mr. Speaker, propitiate an aggressor. Threatened as we are, with a renewal of aggression, we have to be ever vigilant and ready.

“Looking at all the circumstances there is every possibility that the period of travail which began in August last may continue for a long time. As a nation, we have to be prepared to meet this many-sided challenge. There is, therefore, no room for complacency. At the same time, the experience of the recent past must fill us all with a new confidence.

“Hon'ble Members would be gratified to know that which I visited the forward areas in the Lahore and Sialkot sectors three weeks ago, I found the soldiers and the airman imbued with the highest morale. Most of them had fought in the battlefield and had seen some of their colleagues laying down their lives heroically in defence of the motherland. On behalf of this House, and indeed on behalf of all the people of India, I conveyed to them our feeling of highest appreciation and deep gratitude and told them how the entire nation was united in its determination to fight the invader.

“I have been able also to go to other places and to see millions of persons, all resolved to meet any hardship and to make any sacrifice. Undoubtedly, the people are facing difficul-

ties, but these are not felt, nor mentioned. It seems that there is a regeneration, and millions of our countrymen are ready to give of their best to make the nation self-reliant and strong. Towards this single common purpose, I know that this House and this nation will flinch from no danger and count no sacrifice too great."

10. The letter of October 22 to the permanent representative of India conveying a message to the Prime Minister of India

The message reads: "I have the honour, excellency, to thank you for your message of October 18 in reply to my message of October 14 on the question of the withdrawal called for by Security Council resolutions 210, 211 and 214 of 6, 20 and 27 September, respectively.

"I have taken careful note of the views you have expressed relating to the lack of observance of the cease-fire and Pakistan's attitude towards it, the question of the withdrawal of armed personnel in civilian clothes who have entered Kashmir; and to the continued training of such persons in Pakistan for further armed activities in Jammu and Kashmir.

"It is true, of course, that there have been numerous violations of cease-fire which have reduced its effectiveness. Indeed, as your excellency knows, because of the numerous violations of the cease-fire by both sides I had to warn, in my last report (s/670/add. 4), that its continued existence is precarious. I assure you, however, that we intend to exert every possible effort to maintain the cease-fire and to improve its observance.

"As regards the withdrawals, it appears to me to be clear from the wording of Security Council resolution 211 of September 20 that, while the cease-fire must first take effect", the 'subsequent withdrawal' called for would be expected to take place very soon after the cease-fire went into effect, which was at 2200 hours GMT on September 22, 1965. Although a full month has now elapsed, there have been no withdrawals, and I must repeat my concern at this. It follows, in my view,

that some further effort towards achieving the withdrawals should be exerted without further delay.

With regard to your excellent suggestion that 'local commanders in particular areas should first meet under the auspices of the observers and enter into discussions with a view to reaching agreement on the stabilisation of the cease-fire'. I may inform you that efforts to this effects are already under way and it is my hope that they will meet with success.

"I particularly welcome your expressed willingness, at a suitable time to accept an arrangement under which appropriate representatives of India and Pakistan would meet in the area to consider the question of withdrawals. I note that you would wish such a meeting to be with the Chief Military Observer of UNMOGIP. I appreciate the high regard you have for Gen Nimmo, which I share, and certainly by his long experience in the area he is very well qualified for such an assignment. I cannot, however, consider such an arrangement feasible. The task of supervising the observance of the cease-fire is an extremely difficult and demanding one and with an enlarged corps of observers, Gen Nimmo is more than fully occupied with this highly responsible and vital work.

"I take it for granted that the assignment in connection with the withdrawals will be difficult, complex and prolonged and will require the full time of the UN officials assigned to it. Moreover, as pointed out in the penultimate paragraph of my letter of October 12 to the permanent representative of India I agreed with the position taken in paragraph (IV) in your permanent representative's letter to me of October 8, that there should be no telescoping of the cease-fire and withdrawals into a single operation.

"I am quite convinced that it would be impossible for any one person to undertake responsibility for both of these efforts. This applies of course to Gen Macdonald as well as to Gen Nimmo.

"In these circumstances, therefore, I have it in mind to designate a thoroughly experienced senior officer in the UN family to be my representative on the matter of withdrawals,

to go to the area at an early date, to visit both Capitals and to arrange for representatives of India and Pakistan to meet at some mutually agreed place, possibly near the front lines, to seek agreement on a plan and schedule for the withdrawals by both parties.

For this highly important assignment I would name Maj-Gen Syseno Sarmento of Brazil, Commander of the UN Emergency Force in Gaza and Sinai. Sarmento serves the UN with distinction as commander of UNEF.

"I very much hope that this plan will commend itself to your excellency and that I may receive from you at an early date a favourable reaction.

"Please accept, excellency, the assurances of my highest consideration—U Thant."

11. The letter of the External Affairs Minister, Mr. Swaran Singh, to the UN Secretary-General about the Security Council resolution of September 4, 1965, on Kashmir

"The Minister of External Affairs of the Government of India presents his compliments to the Secretary-General of the United Nations and has the honour to acknowledge receipt of the text of resolution 209 (1965) adopted by the Security Council at its 1237th meeting on September 4, 1965.

"The Government of India having given the most careful consideration to the resolution of the Security Council would like to convey the following to the Security Council.

"The Government of India appreciates that the Security Council in its anxiety to stop the continuance of hostilities and bloodshed has urgently adopted a resolution in the hope of bringing about an immediate cease-fire.

"This resolution has evidently been adopted without taking into consideration the reply of the Prime Minister of India communicated to the Secretary-General on September 4 in response to the appeal addressed by the Secretary-General to the Government of India on September 2. The reply of the

Prime Minister of India narrated the events leading to the present situation in Kashmir, and also urged the steps which should be taken to restore peace in the State of Jammu and Kashmir.

“It is also evident that the resolution does not take into consideration certain important findings and recommendations of the Secretary-General contained in his report (S/6651) dated September 3, 1965. Further, neither the resolution nor the discussions which preceded the adoption of the resolution took note of the fact that on September 1, 1965, Pakistan violated the international border south of the CFL between the State of Jammu and Kashmir and West Pakistan in order to attack the Chhamb-Jaurian sector within the State of Jammu and Kashmir, thereby extending the area of conflict.

“While aggression across the international border in the Chhamb-Jaurian sector continues, this attack, directed as it was by regular forces of Pakistan army towards gaining territory and cutting the vital lines of communication between the rest of India and the Indian State of Jammu and Kashmir, has changed the entire character of the situation. The offensive action in the Chhamb area was being fed by bases in Pakistan along the border of Pakistan with the State of Jammu and Kashmir.

“There were strong concentrations of Pakistan forces on the western frontier between India and Pakistan. [On September 5, after the resolution of the Security Council calling for a cease-fire, Pakistan aircraft bombed an Indian Air Force unit in Amritsar in the Indian State of Panjab. Pakistan aircraft also bombed Ranbirsinghpura and other places in Jammu and Kashmir well away from the cease-fire line.

“It was obvious that Pakistan was preparing for an offensive against India in a big way and a situation was created in which action restricted to Jammu and Kashmir could no longer meet the needs of the situation.

“Since the UN has throughout accepted that the security of Jammu and Kashmir is the responsibility of India the Government of India had no alternative but to give effective

assistance to our forces by moving across the Wagah border to stop Pakistan at the bases from which the attacks in Jammu and Kashmir were being mounted and supported.

"The resolution 209 (1965) calls upon the Governments of India and Pakistan to take forthwith all steps for an, immediate cease-fire." This cease-fire is posited on the condition mentioned in paragraph 2 of the resolution which calls upon the two Governments to respect the cease-fire line and have all armed personnel of each party withdrawn to its own side of the line.

"It is the view of the Government of India that, if cease-fire is to be brought about and peace restored the withdrawal of the "armed personnel of each party," referred to in this paragraph, must include all infiltrators from the Pakistan side of the CFL, whether armed or unarmed, because as stated by the Prime Minister of India in his reply to the Secretary-General, the present hostilities originated with large scale infiltration of armed and unarmed personnel from Pakistan, and until the activities of such personnel cease and until all such personnel are withdrawn from the Indian side of the cease-fire line, peace cannot be restored for which Pakistan must accept full responsibility.

"It has been stated by the Secretary-General in the concluding part of his report that the restoration of the cease-fire and the return to normal conditions along the cease-fire line can be achieved inter alia by "(a) A willingness of both parties to respect the agreement they have entered into" and (b) A readiness on the part of the Government of Pakistan to take effective steps to prevent crossings of the CFL from the Pakistan side by armed men, whether or not in uniform.

"These findings of the Secretary-General based on the reports of the UNMOGIP, established beyond any doubt that Pakistan committed aggression against India across the CFL. This aggression began in its massive form soon after India agreed to withdraw from the Kargil area, considered strategically vital to the security of the Srinagar-Leh road, on assurances given by Pakistan through the Secretary-General that the security of this road would not be endangered by Pakistan.

“But as stated by the Secretary-General in his report to the Security Council, ‘subsequently there were some military attacks on the road by armed element from the Pakistan side’. This establishes clearly that Pakistan had no intention of honouring solemn assurances given to India through the Secretary-General and was bent on renewed and further aggression.

“The facts leading to the present situation and narrated in Prime Minister Lal Bahadur Shastri’s message of September 4 to the Secretary-General are borne out by the Secretary-General’s report wherein it is stated that Gen Nimmo has indicated to me that the series of violations that began on August 5 have been to a considerable extent in the form of armed men, generally not in uniform, crossing the CFL from Pakistan side for the purpose of armed action on the Indian side. ‘This is a conclusion reached by Gen Nimmo on the basis of investigations by the UN observers, in the light of extensiveness and character of the raiding activities and their proximity to the CFL.’ It has been further stated by the Secretary-General that ‘as regards violations by artillery, there was heavy and prolonged artillery fire across the line from the Pakistan side in the Chhamb Bhimber area on August 15-16, and on August 19 and 26 the town of Poonch was shelled from the Pakistan side, some of the shells hitting the building occupied by UN military observers.

“Pakistan artillery again shelled the town of Poonch on August 28. It is also stated “it is likewise confirmed that as of August 24 armed elements from Pakistan were still occupying Indian positions (pickets) north of Mandi in the Poonch sector of the CFL.” The Secretary-General’s report has also stated that UN military observers have confirmed that on September 1 Pakistan army supported by artillery and airforce attacked the Chhamb area of the Jammu-Jhangar sector, and on September 2 attacked Jaurian village across the international border between India and Pakistan.

“Thus aggression by Pakistan has been clearly established by the independent authority of the United Nations and it is to be regretted that Security Council have not taken this into

consideration or asked Pakistan to withdraw from across the international border south of the CFL and to respect the international border between India and Pakistan.

"While the Secretary-General in his recommendations to the Security Council referred to above has sought willingness of both parties to respect the agreement they have entered into, this appeal should more appropriately have been addressed to Pakistan alone because India has always respected the agreement of the CFL.

"This is borne out by the report of the Secretary-General himself. In this report he has stated that on the morning of August 9 a cable was received from Gen Nimmo warning that the situation was deteriorating along the CFL. On the basis of this report, the Secretary-General asked the representative of Pakistan to convey to his Government his 'very serious concern about the situation that was developing in Kashmir, involving the crossing of the CFL from the Pakistan side by members of armed men and their attacks on Indian military positions on the Indian side of the line, and also my strong appeal that the CFL be observed'.

"In response to this appeal the Secretary-General has noted that 'I have not obtained from the Government of Pakistan any assurance that the cease-fire and the CFL will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line'. The reason for Pakistan refusing to give such an assurance is also evident from the report of the Secretary-General when he described the consideration which led to his withholding the statement he wanted to make in consultation with the Government of India and Pakistan.

"While India was agreeable to the statement proposed to be issued by the Secretary-General, according to the Secretary-General, the Government of Pakistan was strongly negative about the statement in general, on the ground that it favoured India in that it dealt only with the current cease-fire situation without presenting the political background of the broad issue and thus was lacking in balance, since *a cease-fire alone supports the status quo to India's benefit.*

"It is clear from this that Pakistan did not want and does not want to maintain status quo in respect of cease-fire line and its only aim is to violate the CFL and by aggression to extend by force the forcible occupation of two-fifths of the State of Jammu and Kashmir to the whole of the State of Jammu and Kashmir. Thus, it is Pakistan alone who should be asked to express willingness to respect the agreement they have entered into and to desist from altering status quo by force.

"The Secretary-General in the second recommendation contained in his report to the Security Council has urged categorically that the Government of Pakistan is to be asked to express its readiness to take effective steps to prevent crossings of the CFL from the Pakistan side by armed men, whether or not in uniform.

"It is obvious from this that 'as stated in the reply of the Prime Minister of India to the Secretary-General, the present situation has arisen not from any armed revolt' in the State of Jammu and Kashmir, as wrongly allaged by Pakistan, but as a result of massive armed infiltration organised and planned by Pakistan, followed by attacks by Pakistan Army and Air force.

"Until this aspect of the situation and the recommendations of the Secretary-General in this regard are taken into consideration, no progress can be made to restore peace in the State of Jammu and Kashmir.

"The Government of India is of the firm view that an immediate cease-fire and the implementation of paragraph 2 of the Security Council Resolution No. 209 (35) can be brought about only when Pakistan takes effective steps to stop further crossings of the CFL from Pakistan side by armed and unarmed personnel, civil and military, whether or not in uniform, and also immediately removes from the Indian side of the CFL all such personnel, who have already crossed the CFL. Pakistan must also vacate aggression in the Chhamb area forcibly occupied by Pakistan since September 1 from across the international border and undertakes to respect in future the international border between India and Pakistan. Furthermore,

India would have to be satisfied that there will be no recurrence of such a situation before cease-fire can be effective and peace restored."

12. The Text of Mr. Swaran Singh's First Letter Addressed to the President of the Council, Mr. Hector Paysee Reyes

"Excellency

The Permanent Representative of India, in his letter dated October 24, 1965, had informed you that the delegation of India was at all times prepared to co-operate with the Council in giving consideration to matters relating to the implementation of paragraph one of September 20 and that if meetings of the Council were called to consider issues relating to the cease-fire and withdrawal of armed personnel my delegation would naturally participate in the discussions of the Council.

"In the same letter, we had also stated that if the Council were to take up matters referred to in paragraphs 5 and 6 of the letter of the Permanent Representative of Pakistan asking for a Security Council meeting, then we would be unable to participate in such discussions and deliberations because the points raised by the Permanent Representative of Pakistan in paragraphs 5 and 6 related to matters which were solely within the dominion and sovereign jurisdiction of India and his reference to them was a gross interference in the internal affairs of India.

"When I was informed of your intention to hold a meeting of Security Council on Monday, October 25, at 4 p.m., I held consultations with you relating to the agenda of the afternoon's meeting. During our discussion, I informed you that we would be willing to attend the meeting of the Security Council if it were to discuss the question of stabilising the cease-fire and the withdrawal of armed personnel. I also explained that we could not participate in a discussion of matters which had been raised in paragraphs 5 and 6 of the Pakistan Permanent Representative's letter of October 22, 1965. These matters were not relevant to the important issue before the Council, namely,

restoration of peace in the subcontinent. You were good enough to appreciate our position.

"In your introductory remarks to the Council, you stated that 'in view of that request, paragraphs 1 and 2, which refer to the deterioration of the situation, which has already been under the consideration by the Security Council and has been the subject of four resolutions of the Council, the President, after consultations with all members of the Security Council and in full agreement with the Secretary-General, set a meeting of the Council for 4 p.m. today. It will see that the following was added to the agenda:

"Reports of the Secretary-General on withdrawals and on observance of the cease-fire.

"With regard to both these points, the Security Council has already adopted resolutions and the delegation of Pakistan has submitted claims and complaints of deterioration in the situation. Therefore, the President considered it appropriate to add those two reports to the agenda for today's meeting.

"The President felt that he was not called on to consider or pass judgment on the contents of the letter contained in document S/6821 (Pakistan's request for a meeting) but paragraphs 1 and 2 of that letter refer to the situations which have a bearing on the agreements already arrived at in the Security Council and work in which the Secretariat is already engaged. That being the case, the agenda for today's meeting was prepared accordingly.

"The clarifications which you gave on the agenda and on the scope of the discussions on that agenda enabled my delegation to take part in the deliberations of the Council.

"We had hoped that the distinguished Foreign Minister of Pakistan would take due note of your statement with reference to the agenda. But, within a few minutes of commencing his statement, Mr. Bhutto referred to matters which were mentioned in paragraphs 5 and 6 of the Pakistan Permanent Representative's letter. You rightly intervened and requested the Foreign Minister of Pakistan to confine his remarks to the items on the agenda.

"If I may take the liberty of quoting you again, you said: 'If the Foreign Minister of Pakistan will permit me, I would draw his attention to the fact that on our agenda for today are matters dealing with the implementation of resolutions of the Security Council of September 2 and 27, on the cease-fire and withdrawal of troops. I would most respectfully and cordially invite the Foreign Minister of Pakistan to confine his comments to the item that the Council is meeting to discuss today.'"

"Thereafter, I myself took the opportunity to respectfully submit to the Council that the Foreign Minister of Pakistan was 'raising those matters which refer to the internal situation in the State of Jammu and Kashmir and mentioning matters which are exclusively within the internal jurisdiction of India. Therefore, these matters are not relevant to our discussions here today'.

"In your second statement to the Council, you once again said, and I quote: 'I shall conclude by very respectfully requesting and appealing to the Minister for Foreign Affairs of Pakistan to be good enough to bear in mind the resolutions of the Security Council and to refrain from making any comments which deal with matters of the domestic jurisdiction of another State'.

"In spite of your repeated appeals, the distinguished Foreign Minister of Pakistan, when he took the floor once again, referred to matters which were the sole concern of my country. At that stage, I made my second statement, which can be seen at pages 57-60 of the Council's provisional records.

"Consistent with our basic stand on the issue, as explained in the letter of the Permanent Representative of India, and as reiterated in view of the attitude of the Foreign Minister of Pakistan, I informed the Council that my delegation had no option but to dissociate itself from this discussion. These were matters exclusively within the sovereign and domestic jurisdiction of my country.

"It was our hope that the Security Council would not permit the Foreign Minister of Pakistan to ignore the agenda and use the forum of the Council to hurl abuse at India and to discuss

the internal situation of a constituent unit of India, that is the State of Jammu and Kashmir.

"The Foreign Minister of Pakistan indulged in diatribes and made a series of false allegations straying away from the main subject which was being considered by the Council. It is a matter of regret to my delegation that he was permitted to do so by the Council in such an unbridled manner. Whilst my delegation appreciates that participating member States must be permitted to express their views, it cannot agree to the forum of the Security Council being used for the purpose for which the Foreign Minister of Pakistan has so often misused it.

"Having studied the statement of the Pakistan Foreign Minister, my delegation's worst forebodings have been confirmed.

"My delegation has at all times been willing to co-operate with the Security Council and we share with the Council the desire in stabilising the cease-fire and working out acceptable arrangements for the withdrawal of all armed personnel.

"However, in view of our past experience and in view of the Council's inability to restrain Mr. Bhutto yesterday, I do not see that any useful purpose will be served in our attending the Council's meeting scheduled for 10.30 a.m. (since postponed to 2 p.m.) on Wednesday, October 27.

"I would reiterate in all sincerity that the decision which has been forced upon my delegation does not in any way imply disrespect or discourtesy to this august body or to its distinguished President.

"I need hardly reiterate that the Government of India will continue to give the fullest co-operation to the Security Council in its efforts to stabilise the cease-fire and bring about the withdrawal of all armed personnel.

"I shall be grateful if this letter is circulated as Security Council document".

13. Tashkent Summit

Prime Minister Lal Bahadur Shastri's Speech at the Opening Session

The Prime Minister of India, Shri Lal Bahadur Shastri, and

President Ayub Khan of Pakistan met at Tashkent (USSR) from January 4 to January 10, 1966, and discussed the relations existing between the two countries.

Speaking at the opening session of the Tashkent Meeting on January 4, Prime Minister Shastri said:

First of all, I want to convey to you, Chairman Kosygin, the feelings of sincere appreciation with which my people, my Government and I hailed your bold initiative which has brought me and President Ayub Khan of Pakistan together in this historic Asian city. It is with great pleasure that I express on my behalf and on behalf of my delegation our gratitude for the hospitality which has been lavished upon us and the care and attention which has been bestowed upon us. The great welcome which the people of Tashkent gave us was indeed very moving.

POSITIVE RESPONSE

Our response to your invitation for a meeting in Tashkent was immediate and positive. The objective of peace which inspired you is indeed a noble one. Peace is vital for both India and Pakistan and indeed for the world as a whole. It should be our endeavour to try to open a new chapter in Indo-Pakistan relationship. I would not like to go into past history. I feel, and I am sure President Ayub Khan also feels, that the conflict which took place between our two countries was most unfortunate. Our objective at this meeting should be not recrimination over the past, but a new look towards the future.

I know that there are many unresolved differences between our two countries. (Even between countries with the best of relationship, there are differences and even disputes. The question which we have both to face is whether we should think of force as a method of solving them, or whether we should decide and declare that force will never be used. If other countries, even those with vast resources and much deeper differences, can avoid an armed conflict and live together on the basis of peaceful co-existence, should not countries like India and Pakistan whose main problem is the economic betterment of their people, give up the idea of solving any problems by recourse to arms?

RESPECT FOR TERRITORIAL INTEGRITY

The only justification for the use of force in international relations is to repel aggression. Our assurance to each other not to use force would mean, therefore, that each agrees to respect the territorial integrity of the other. We have always said, and I say it today also, that we unreservedly accept Pakistan's sovereignty and territorial integrity. Equally, we have to preserve our own territorial integrity and sovereignty. Respect for each other's sovereignty is essential for peace and good relations.

Once this has been clearly accepted, the whole character of Indo-Pakistan relationship could be transformed to the benefit of the people of both countries. Let me say quite clearly and very sincerely that we wish Pakistan's progress and prosperity. We have ourselves been striving to better the lives of our people. We are convinced that prosperity would come sooner to the sub-continent, if there was better relationship between India and Pakistan.

PEACEFUL CO-EXISTENCE

The foundation of such relationship should be, as I have said, the acceptance of the policy of peaceful co-existence. In pursuance of this, action will have to be taken on several fronts. For instance, the atmosphere of cold war has to be removed. If through propaganda, in the press or by radio, a feeling of animosity or distrust is generated and sustained between the two countries, whatever we, as Heads of the two Governments might say, there will always exist the danger of a conflict. Our aim should be to improve the totality of the relationship between the two countries. Our trade has been shrinking. It should grow instead. Many rivers flow between India and Pakistan. Instead of being a source of controversy, they could, through co-operative endeavour, enrich both our countries. There are many other area of economic co-operation which, given goodwill and understanding, can be developed to our mutual advantage.

In saying all this, I am not trying to suggest that we could or should shut our eyes to the many points of difference that

exist between the two countries. I do not want to enumerate them. What I do say, however, is that all these problems must be resolved through talks and negotiations and not by resort to force. An armed conflict creates more problems than it solves. It is an impediment to understanding and agreement. On the other hand, in an atmosphere of peace, we can make real progress towards solving the differences between us.

RENUNCIATION OF FORCE

It would be a notable achievement if at this meeting which Chairman Kosygin has convened, an agreement could emerge for renouncing the use of force for settling our differences. This should pave the way for the kind of good neighbourly relations which both countries need and would also make the solution of many of our problems much easier. We could and should, of course, discuss other matters as well, but even if we differ on some of them and cannot see our way to an immediate agreement, we should still not forsake the path of peace.

NOT WAR BUT PEACE

A heavy responsibility lies on our shoulders. The sub-continent has a population of 600 million—one-fifth of the human race. If India and Pakistan have to progress and prosper, they must learn to live in peace. If there is constant conflict and hostility, our peoples would suffer even greater hardships. Instead of fighting each other, let us start fighting poverty, disease and ignorance. The problems, the hopes and the aspirations of the common people of both the countries are the same. They want no conflict and war, but peace and progress. They need, not arms and ammunition, but food, clothing and shelter. If we are to fulfil this obligation to our people, we should, in this meeting, try to achieve something specific and positive.

This is a momentous meeting. The eyes of the world are upon us. Let it not be said that the President of Pakistan and the Prime Minister of India met and failed to reach an agreement. Let us show by our actions that we are capable of seeing our own problems in the wider context of world events.

(Source: *Foreign Affairs Record*)

14. Tashkent Declaration of 1966

The Prime Minister of India and the President of Pakistan having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

I

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan Sub-Continent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.

II

The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

III

The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

IV

The Prime Minister of India and the President of Pakistan

have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

V

The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

VI

The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII

The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII

The Prime Minister of India and the President of Pakistan have agreed that the sides will continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connexion with the conflict.

IX

The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meeting both at the

highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

The invite the Chairman of the Council of Ministers of the USSR to witness this Declaration.

(Signed) LAL BAHADUR
Prime Minister of India

(Signed) M.A. KHAN, FM.
President of Pakistan

Tashkent, 10 January, 1966.

A

The Text of a Radio Broadcast given by the Minister of External Affairs, Sardar Swaran Singh, on January 15, 1966 on the Tashkent Declaration

I speak to you as one who was privileged to be associated with our late Prime Minister Shri Lal Bahadur Shastri in Tashkent during his mission of peace. The week that we spent in Tashkent was unforgettable. They were days of meetings, negotiations and sincere efforts to reach understanding and meeting of minds. The Prime Minister and his colleagues worked as a team, determined to see the establishment of peace and goodwill between India and Pakistan. We were all proud to week under his inspiring leadership. After strenuous efforts in which Chairman Kosygin played a most notable good offices role, President Ayub Khan and Prime Minister Shastri were able to reach agreement on a declaration which was signed in Tashkent on the 10th of January.

In the Tashkent Declaration India and Pakistan have chosen to turn away from mutual conflict and have resolved to base their relations on peace, friendship and good neighbourliness.

REMARKABLE ACHIEVEMENT

This in itself is a remarkable achievement which reverses the trends of the past 17 years and marks a new era in the relations between the two countries. The central point of the whole Declaration is the renunciation of force by both sides for the settlement of their disputes. For many years in the past, India had emphasized the importance of a no-war declaration by both countries, to the effect that all differences and disputes between them should be settled peacefully without resort to arms. Unfortunately no agreement could be reached on such a declaration between India and Pakistan all these years. It is a tribute to the statemanship and sincerity of purpose of the President of Pakistan and of Prime Minister Shastri that at last both countries have agreed not to have recourse to force and to settle their disputes through peaceful means.

It has always been our view that it is only in an atmosphere of freedom from tension and of goodwill created by such a declaration that both sides could reach solutions to the problems between them.

RENUNCIATION OF FORCE

Article I of the Tashkent Declaration seeks to embody the agreement regarding renunciation of force. The crucial sentence therein reads "they reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means". The greater part of the discussion in Tashkent centred round this basic question. Prime Minister Shastri made it clear that the main issue was whether or not the two countries wanted to settle their disputes peacefully. He insisted on a clear affirmation that there shall be no resort to force. The Pakistan position was that any declaration would be valueless unless there was a political settlement or a self-executing machinery for the settlement of the Kashmir question was set up. Eventually, after a great deal of discus-

sions there was agreement that the Declaration should specifically mention agreement on non-use of force as a means of settling any disputes between the two countries. This has been done by a categorical reaffirmation of the obligation which both countries have, as members of the United Nations, to refrain in their mutual relationship from the threat or use of force.

WITHDRAWAL OF ARMED PERSONNEL

Article II of the Declaration provides for the withdrawal of all armed personnel of the two countries not later than February 25, 1966 to the pre-August 5 positions, as required in UN Resolutions. Prime Minister Shastri gave the fullest consideration to all aspects of the question of withdrawals before agreeing to this clause. He very carefully examined his letter of September 14 to the U.N. Secretary-General in which he had stated "that when consequent upon the cease-fire becoming effective further details are considered, we shall not agree to any disposition which will leave the door open to further infiltrations or prevent us from dealing with infiltrations that have taken place". The late Prime Minister and the entire Indian delegation felt that the conditions laid down by the Prime Minister had been completely met by Pakistan's agreement not only to withdraw all armed personnel, but also to respect, after withdrawals, the cease-fire terms on the cease-fire line and the undertaking of non-interference in each other's internal affairs.

Prime Minister Shastri had made it clear, on more than one occasion, that if the question of Kashmir was raised by President Ayub, he would have to reiterate India's viewpoint and this is exactly what he did as Article I of the Declaration indicates. The important point is that though the viewpoints of both countries of Kashmir continue to be irreconcilable, both sides have nevertheless, agreed not to take recourse to arms over this or any other question.

JOINT INDO-PAKISTAN BODIES

There are provisions in the Declaration which refer to normalisation of relations and discussion of various other prob-

lems. It is hoped that for a consideration of these, joint Indo-Pakistani bodies will be constituted. Meetings at Ministerial and Heads of Government level are also contemplated. All these are very salutary provisions. It is only in these ways that we can tackle the various outstanding problems between the two countries.

SPRIT OF PEACE AND GOODWILL

More important than the words of the Declaration is the spirit underlying it. We are confident that the Tashkent Declaration, signed by the two Heads of Government and witnessed by the Chairman of the Council of Ministers of the U.S.S.R., embodies the spirit of peace and goodwill on which future relations between the two countries can be based to the lasting benefit of their peoples. It is our intention to implement the declaration faithfully. We already initiated the steps for the normalisation of relations between the two countries. Our High Commissioner to Pakistan is returning to his post. The Pakistan High Commissioner has already arrived in Delhi. The three Chiefs of Services from both countries are going to meet shortly. The direct contacts between Defence Chiefs will not only facilitate withdrawals, but also consider measures to ensure tranquillity on the Indo-Pakistan borders in the East and the West, as well as across the cease-fire line.

The Tashkent Declaration is a tribute to the vision and statesmanship of the President of Pakistan and the Prime Minister of India. Equally, one cannot but recognise the tremendous contribution which was made by Mr. Kosygin who not only sponsored the idea of the Conference, but also, at all stages and particularly when difficulties arose, acted as a messenger of peace and helped to resolve all obstacles. He did not propose much less impose, any particular solutions. Yet without his good offices, the Tashkent Declaration could not have taken shape.

TASHKENT DECLARATION A TRIUMPH OF PEACE

The Tashkent Declaration is a declaration of peace and goodwill between India and Pakistan. It has been hailed all over the world as a great act of statesmanship and as a signifi-

cant contribution to world peace. Dozens of messages of congratulations have been received from Heads of Government and States all over the world. The Tashkent Declaration implemented sincerely and earnestly, will make an immeasurable contribution to the happiness of millions of people in the sub-continent and to peace in Asia and the world. Both India and Pakistan can use their resources for economic development and for betterment of the standards of living of their peoples. The dangerous tensions which have characterised the relations between the two countries will be eliminated. Both countries will be able to conserve their resources for peaceful economic development. Their security will be strengthened by the assurance of peace flowing from the Declaration.

Virtual agreement on the text of the Tashkent Declaration was reached at midnight of the 9th January. The next day, Prime Minister Shastri felt greatly relaxed and entertained President Ayub at a quiet lunch a couple of hours before the Declaration was actually signed. No one who saw him that afternoon looking hale and hearty feeling obviously happy at the triumph of peace and goodwill, would have had any inkling of the impending tragedy.

The Tashkent Declaration is a monument to Prime Minister Shastri's wisdom, statesmanship and love of peace. This Declaration is his last gift to our nation. He wanted us to work for peace as steadfastly and courageously as we had fought to preserve our honour and integrity. It is up to us to live up to his expectations. All of us, in whatever walk of life and wherever we are, at the Centre or in the States, in towns or in villages, should dedicate ourselves to working for the basic objectives of peace and amity between India and Pakistan embodied in the Tashkent Declaration.

(Source: Foreign Affairs Record).

B

Statement of Pakistan President Ayub Khan on Tashkent Declaration (14 January 1966)

On the 4th of this month I went to Tashkent to meet the

Indian Prime Minister. I must explain to you the background of this historic meeting.

When our two armies clashed in Azad Kashmir and the situation took a serious turn, the Soviet Prime Minister invited the leaders of the two countries to Tashkent to provide us opportunity to settle our differences in a peaceful and an honourable manner.

We received the Soviet invitation on 4 September. Two days later, India launched an attack on our sacred territory. What followed is known to all of you. The entire nation rose like one man and came through this ordeal in a gloriously successful manner. The heroic deeds of our armed forces as well as the civilian population will for ever be cherished in our history.

We have always held the view that countries must settle their differences on the basis of peace and justice.

We want peace for the whole world and as a member of the United Nations, we have accepted the obligations to settle differences not by force but in a peaceful manner and through mutual understanding.

As for our differences with India, we have always made it clear that the basic cause of this conflict was the dispute about Jammu and Kashmir and there is a Security Council resolution on this issue. According to this historic resolution, the people of Jammu and Kashmir have the right to decide whether they want to accede to Pakistan or to India. India is a party to this agreement and has pledged to the United Nations that it would give to the people of the State their right to freely choose their own future.

For the last eighteen years, we have been constantly endeavouring to persuade India to fulfill its commitment. Unfortunately, India did nothing to honour it with the result that the people of Jammu and Kashmir rose in an open revolt. When the Indian forces launched repeated attacks on the Azad Kashmir territory, the Pakistan Army had no option but to take action in support of the people of Jammu and Kashmir. The resulting armed conflict between the two countries amply

demonstrated to the world that there would be no peace between India and Pakistan unless the Kashmir dispute was settled.

The Security Council resolution of 20 September provided for a cease-fire and the withdrawal of armed forces. It also provided that after the withdrawal of forces the Security Council would take steps to resolve the basic issue of Jammu and Kashmir. The resolution expressed the hope that till the completion of the withdrawal, the two countries should try to settle the dispute between themselves.

My meeting with the late Mr. Lal Bahadur Shastri in Tashkent was a step in this direction. The Government of the USSR and their Prime Minister made at all out effort for the success of these talks. We were received with great enthusiasm by the Russian people and their leaders who observed impartiality throughout these negotiations. We are grateful to them for all this.

The Indian Prime Minister wanted us to sign a no-war pact but we made it clear to him that we would never be a signatory to such a pact unless the Jammu and Kashmir dispute was settled honourably and equitably. We, however, offered to reaffirm our obligation under the U.N. Charter. This obligation means that nations will not resort to force unless they have explored all avenues of peaceful settlement. We also impressed upon the Indian Prime Minister that the future of the people of the two countries depended on peace in the sub-continent and that this peace could not be lasting unless the Kashmir dispute was amicably settled. If this dispute was not settled both the countries would continue with war-like preparations and their resources, instead of being dedicated to the welfare of their people, would be diverted to the purpose of war.

Personally, I had a feeling that Indian Prime Minister was agreeable to what I said but he wanted that we should first normalise our relations and then grapple with the basic issue. We explained our respective points of view to each other but unfortunately we reached no conclusions. As for Pakistan, we

stuck to our belief that the basic cause was the dispute concerning Jammu and Kashmir and unless this was settled there could be no peace between India and Pakistan. Pakistan was not prepared to consider Jammu and Kashmir as part of India or that it was their internal affair. The people of Jammu and Kashmir had a right to decide their own future and we will continue to support their inalienable right.

I would invite you to consider the various provisions of the Tashkent Declaration against this background. The Declaration has in no way detracted from or damaged our national viewpoint on Kashmir. Their right to choose their future remains inviolate.

I hope that this Declaration will open new avenues for the settlement of the Kashmir issue. First, we will take up this matter with the Indian representatives and then, after the withdrawal of forces, the Security Council also will be in a position to deal with it. Moreover, the interest shown by the Soviet Government in the settlement of the dispute will also facilitate the task.

I appeal to you to show the same sense of purpose and discipline in achieving peace as you did in achieving victory during the last war. The sacrifices made during that period are indelibly marked on our hearts and I assure you that no sacrifice will go in vain.

Whatever steps your Government has taken or is taking they are for your good. We have been given assurances that sincere efforts will be made to settle the Indo-Pakistan dispute in a just and equitable manner. It is, therefore, necessary that we should take the fullest advantage of this effort. It can only be translated into action if we on our part fully implement the Tashkent Declaration. I am sure, the nation will help the Government make a success of this effort for peace. If God forbid, for some reason or other, this effort does not bear fruit, it will not mean that we will ever be oblivious of our national interests or fail to safeguard the country's defence. In any case, we have to build up our defence effort.

The Tashkent Declaration has been hailed in many parts of the country but there are those as well who are not satisfied

with it. I am fully aware of their misgivings and honour the sentiments which give rise to them. It is obvious that if the Kashmir dispute had been honourably settled at the Tashkent meeting you would have welcomed it: but complicated issues are not easy to solve and the Government has to adopt various means to solve it, according to circumstances.

There may be some amongst us who will take advantage of your feelings and will try to mislead you. They are not more patriotic perhaps than you and me and are in fact after their own selfish gain. You should be aware of their machinations. You should remain firm in your faith and steadfast in your discipline. The ordeal is not yet over. Let us bow out heads to the Almighty and pray for the strengthening of our will and determination. Pakistan Paindabad.

C

**Statement of Shri Swaran Singh in the Lok Sabha
on Tashkent Agreement, February 21, 1966**

The question of withdrawals of armed personnel from Haji Pir, Tithwal and Kargil has come up for comments; it has also been criticised by certain Hon. Members. The question of infiltrators has also been mentioned. As a matter of fact, these two points are interconnected, and I would like to say something on these two points together. We have first to see the objective that we had before us when the Indian armed forces moved to Kargil, to Tithwal and to Haji Pir. It is very important, because we were facing aggression, and this massive aggression originated in the form of a large number of armed personnel crossing over to that part of Jammu and Kashmir which is in the actual possession and control, administrative and the rest, of the Government of India.

When we took up this matter with the Pakistan Government and pointed out to them the serious situation created by these armed infiltrators coming across into Indian territory, the Government of Pakistan did not accept and responsibility. It then became necessary for us to take defensive measures to check infiltration, because the responsibility in this respect was not accepted by the Government of Pakistan. It was in that

context that the Indian armed forces moved into these two passes Tithwal and Haji Pir; and we moved into Kargil because our line of communication to the Ladakh area was under constant threat by the snipping and other provocative acts which were indulged in by the Pakistan forces. These were the objectives before us when we moved to these passes.

We have now to see whether, when we agreed to withdraw, our objective had not been realised, whether the reason for which we moved to these passes still persisted [at the time we agreed to this withdrawal. We gave very careful consideration to the various aspects. This was a very serious matter, and we attached a very great deal of importance to it; it was necessary for us to give the most careful consideration to the implications of the step that we were taking in agreeing to the withdrawal from these areas.

As I said when I initiated this debate, (three conditions were agreed to by Pakistan. Firstly, both countries agreed that the use of force would be abjured in the settlement of any dispute; secondly, that cease-fire terms on the cease-fire line would be adhered to and respected by the two parties and thirdly that there would be non-interference in each other's internal affairs Even one of these considerations or conditions is enough to correct the mischief that can be created by the movement of infiltrators.

Sending armed infiltrators, for instance, is obviously use of force, and if both parties agree that force will not be used for the enforcement of any claim or the settlement of any dispute, obviously they cannot say that they will send these infiltrators in the exercise of their right to enforce a claim or to settle a dispute. It is quite another thing, a separate issue to which I will come, as to whether they will respect this or not, but my point is: is the sending of infiltrators protected or] can it be resorted to by any loophole that is there in the agreement? My contention is that we should keep these two things separate, the interpretation of the agreements, and then other party's intentions or the question whether they will respect the terms of the agreement or not. At this stage. I am on this question whether the agreement itself covers armed

infiltrators or whether, notwithstanding the terms of this agreement, and even if they are adhered to, they can make out a case that they can send infiltrators.

Pakistan has at no stage said that they have got the right to send infiltrators. All along they have denied having sent infiltrators, and even now they do not say that they have the right to send infiltrators. That is an important point.

One of the first conditions of the agreement is not to use force, and sending armed infiltrators is use of force. That is what I am trying to contend. It is quite clear that even Pakistan has not said that they are entitled to send infiltrators or to use force even if Kashmir is not an internal matter of India. We do not accept Pakistan's contention that Jammu and Kashmir is not an integral part of India, and any interference by sending infiltrators even by whipping up agitations there trying to support those who are not accepting the writ of the local government there, is very much interference. We do not accept their interpretation of Jammu and Kashmir not being an internal problem or an internal responsibility of the Government of India.

The second point that has been mentioned is that they do not accept Jammu and Kashmir as the internal problem of India, and therefore there may be a loophole for sending infiltrators. My reply to this is two-fold. Firstly, it is our interpretation, it is our very firm stand, that Jammu and Kashmir is an integral part of India, and that its sovereignty is not negotiable. In these circumstances, any unilateral interpretation.

We do not accept this interpretation that they have got the right to interfere in this. So far as the question of armed infiltrators is concerned, whatever may be their position with regard to Jammu and Kashmir, even if they are keeping up a dispute on that issue, which we do not accept—we clearly say that there is no dispute—even then I contend that the clause relating to non-use of force covers this completely and any step that they take to interfere with the established administration on our side of the cease-fire line is a clear violation of the Tashkent declaration. It is therefore something about which we need not have any doubt in our minds. Prof. Hem Barua

says: if it is an internal matter why was it discussed ? It is very clear in the Tashkent declaration it is not left in doubt. I would recall that Prime Minister Shastri had on more than one occasion made the position clear in this House: "I am not going to discuss Kashmir."

He had also said: if the other party says that it wants to discuss Kashmir or they want to raise some point, all that I have to do is to state clearly that Jammu and Kashmir is an integral part of India; that is the position to which he said India would steadfastly adhere. In this context, at the meetings in Tashkent between our late Prime Minister and President Ayub Khan, it is a fact that President Ayub did raise the question of Kashmir.

Our late Prime Minister made a clear and categorical statement that Jammu and Kashmir is an integral part of India and that is the position to which he strongly adhered; we are not going to alter that position. As to what President Ayub said, or their Foreign Minister said, it is well-known; they say from time to time that the people of that area should be permitted to express their desire about their future. If in reply to that we categorically reject any such claims and reiterate our stand on Jammu and Kashmir, it is not discussing the question of Kashmir, it is only a reiteration of the position, and that fact, Mr. Speaker, is clearly enunciated in the declaration. The declaration says that the two sides reiterated their position. Prof. Hem Barua is hurling the declaration at us. We went through every word of it. Shri Dwivedy raised a point that the position and manners in which this sentence is used perhaps might cast some cloud on our assertion. That is not at all correct. Article I says that the Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourliness between India and Pakistan in accordance with UN charter. That is unexceptionable. They reaffirm their obligation under the charter not to have recourse to force but to settle their disputes through peaceful means. I would very strongly urge that this is a very clear and categorical reaffirmation of the obligation not to use force. This should not be lightly dismissed; it is a clear

affirmation of their obligation. They considered that the interests of peace in the region, particularly in the Indo-Pakistan sub-continent and indeed the interests of the people of India and Pakistan, were not served by the continuance of tension between the two countries. They also said that our attitude should be to develop good neighbourly relations, to discontinue tension. It was in this context and against this background that Jammu and Kashmir was discussed and each side set forth its respective position. I have already said what our position was: namely, that it is an integral part of India. The other party said that they have got their own claim. They agreed to disagree on this issue. To bring about good neighbourly relations, it was said there were other matters which should be attended to and the rest of the declaration proceeds to mention some of the other matters. The mention of this background against which Jammu and Kashmir was discussed is a point which bring out our clear statement and position on Jammu and Kashmir. I would also like to mention that in the course of my talks with the Foreign Minister of Pakistan and his colleagues, talks during which on our side my colleague Shir Chavan and other members of the delegation were present, I reiterated our position and our stand on Jammu and Kashmir in unmistakable terms.

There are a large number of others. The Indian position on Jammu and Kashmir was not whittled down in the slightest; we reiterated in clear and unmistakable terms our stand, and Pakistan is in doubt about our stand.

No newspaper, no critic or supporter of the Tashkent declaration from Pakistan has ever asserted that India has deviated from its stand on Jammu and Kashmir. On an issue on which even Pakistan does not claim that we have changed our stand on Jammu and Kashmir, it is not wise or in our national interest to continue to agitate these points and unnecessarily to create doubts even when the other party is in no doubt.

I do not want to go into the whole history of how this wave of infiltration started and how we took preventive action by moving into some of the passes and how vigorously our security forces took very stern and effective measures to deal

with the infiltrators who were operating in Jammu and Kashmir territory. . . . *(Interruptions.)*

The infiltrators who had crossed over were being dealt with and our security forces and our police made a very thorough job of it. If ultimately we were able to control the situation it was due to the effective steps that were taken by the security forces. I would also like to add that the government of Jammu and Kashmir and, if I may add, the people there, acted very strongly and they fully co-operated with these steps taken by the authorities in dealing with the infiltrators. It was this support given to us, the lack of the response which mistakenly Pakistan thought they would get from the people, which was mainly responsible for thwarting the designs of the infiltrators.

We are grateful to the people who gave information to the local authorities. We had a large number of non-officials who traced the movement of these people and supplied information to the authorities which ultimately led to the mopping up operations and in providing the necessary security to the areas and to the targets which unfortunately had been aimed at by the infiltrators.

I would also like to add that after the cease-fire operations, although Pakistan did continue to keep this posture that they had never sent these infiltrators, and continued to disown their responsibility, we have definite information that they called upon these people, who had been sent across, to return to that area. We had definite information on that score, and a large bulk of the people actually crossed over into the other territory. *(Interruption.)* Our security forces also have been stepping up their efforts, which continued after the cease-fire, because our Prime Minister had made it absolutely clear that any cease-fire agreement that it arrived at or any cease-fire arrangement that is accepted does not mean that our efforts to deal with the infiltrators or to deal with them effectively would anyway be influenced by the cease-fire. We made the position clear that this is an internal, law and order matter, and we had to function effectively. It was the combined effect of these two things; the continuous drive by our security and armed forces, the

civilians and the civilian government—all [this combined effort put so much pressure on them and they found, particularly after the cease-fire, that there was no point in their staying on. A large number were actually thrown out and pushed back into the other territory. We have definite information about the order which was available with us when they sent across these infiltrators, through a variety of sources, that after the cease-fire, particularly—

Out of the total number of infiltrators, who were in thousands, a good bulk has been thrown back. A large number of them were killed; some of them were also arrested. The number that might be left there might be very, very small. It is very difficult for me to give any number, but it cannot be more than a few odds and ends, say, half a dozen or 10 people in one remote area or the other. I have not got the census or the list. If we knew the exact number, we would get hold of them or kill them or shoot them, those who come here without any authority. But the point is, the Pakistan Government, naturally from the very beginning, had taken the attitude that they are not concerned with these, that they have not sent them; we have information that they had done so and they had sent across these people. We had information that they were receiving messages and we intercepted some of those messages, and it was on that basis that we kept the country and this House fully informed about their activity; that they were sent across and they were supported. We had also information—we had definite information—that they were withdrawn after the cease-fire. So, this was a combined effect of the two-pronged operation, pressure by us, by our security forces, and also their attitude that they wanted to withdraw.

In a matter like this, we have to see the results and need not insist on a public statement that they have withdrawn. I am sure that even on this statement of mine they might say, "No; we never sent anyone; we have not withdrawn anyone". They may say, as in their earlier statement that "We have not sent any man even in the initial stages". So, we have to look to the situation on the ground and view it realistically, and realise that in future, these conditions are accepted; that non-use of

force is accepted; non-interference in one's internal affairs is accepted; and that observance of the cease-fire terms on the cease-fire line is accepted, for after that sending in armed personnel across the cease-fire line is a clear violation of the cease-fire terms and the cease-fire line. So, in actual fact also, based upon this agreement that they have entered upon, we were fully satisfied that the question of infiltrators is not likely to arise hereafter, and it is covered by the agreement. It was thereafter that we agreed in respect of Haji Pir and Tithwal the passage through which we had moved in order to check further infiltration.

We are clear that if the terms of the agreement are adhered to, then, the question of sending infiltrators does not arise. It is a very pertinent question and a practical question, that if they do not adhere to the obligations that they have undertaken, then what is our guarantee? It is a very pertinent question. But the answer to this is the same as with all the other agreements that have been entered into between two countries. In a matter like this, if we start with this attitude that any agreement that is entered into is not likely to be adhered to that they will find some excuses to go back upon the agreement, then, the reply is that we know how to deal with the situation. Then a new situation develops altogether. The agreement is clear. If they do not adhere to it, if they go behind the agreement and do not faithfully carry out their obligations under it but surreptitiously take resort to something else, then it is a clear violation of the agreement; then a situation arises, and we will take the sternest measure to meet the situation, and of that we have never made any secret. I would beg of this House to see that the agreement is very clear, and that the ultimate protection in this case is provided by the agreement and by their adherence to this agreement. If the agreement is not adhered to, what follows depends upon our capacity to deal with the situation. Many of our foreign friends, sympathetic friends, have many times mentioned to us that a country of 45 crores or 48 crores people hardly needs to go to the international community to say that this is a nuisance by the infiltrators. But there should be some solemn agreement on their part that they will never send infiltrators. They have admitted their

responsibility; though is not in these clear words, if the terms are adhered to, it is covered. If they do not observe these terms then it is a situation where our strength and our capacity to deal with them will be the real guarantee. That is something which we have not to lose sight of.

Sending infiltrators is a clear interference in our internal affairs. Even if they unilaterally do not accept it, it cannot be an explanation of the declaration terms. Thirdly, this is a contravention of the cease-fire terms. Sending in armed personnel across the cease-fire line is contravention of the cease-fire terms.

D

The Minister of External Affairs, Sardar Swaran Singh's Statement in the General Assembly of the United Nations on September 29, 1966

Mr. President, I am conscious that the hour is late and we all have other pressing engagements. I should, therefore, be as brief as possible.

The Foreign Minister of Pakistan has today referred to India in abusive but familiar terms. Like other representatives of Pakistan who have exploited, indeed misused, this august forum, he has offered to the distinguished delegates assembled here a mixture of half truths and fantasies. What is painful is that in the process of hurling abuse against India, the Foreign Minister of Pakistan has completely ignored that provision of the Tashkent Declaration which stated the specific agreement of the two sides that they will "discourage any propaganda directed against the other country and will encourage propaganda which promotes the development of friendly relations between the two countries". Among other things, India has been branded an aggressor and India has been compared to South Africa. The fact of India's defensive action in September last year has been presented by the Foreign Minister of Pakistan to this Assembly as aggression. The fact of Pakistan's aggression on the Indian State of Jammu and Kashmir twice within the last 19 years has been conveniently ignored and kept

back from this Assembly. Now, Mr. President, I Prefer to be constructive; I prefer not to violate the Tashkent Declaration. As far as the the record is concerned, the same charges had been made time and again and refuted by the delegation of India on every occasion. I am not going to take the time of this Assembly by once again covering the whole ground. There two points, however, which need to be brought to the attention of this Assembly.

First, it is amazing that the Foreign Minister of Pakistan has taken exception to reiteration by the leaders of India of the Indian stand that the State of Jammu and Kashmir is a constituent State of India. This position of India has been stated by the Indian delegation on innumerable occasions both in this Assembly as well as in the Security Council. While participating in the general debate last year I myself stated and I quote "it is, therefore, necessary for me to make my government's position clear beyond any shadow of doubt. Legally, constitutionally, morally and on the basis of the will of the people, the State of Jammu and Kashmir is an integral part of the Indian Union. This is the position on which India takes its stand and will continue to do so. The people of Jammu and Kashmir, together with their fellow citizens in other parts of India, are the architects of the largest democratic state in the world, a state rooted in popular will expressed through freely chosen institutions and periodic general elections, based on adult franchise. There is no better way of giving reality to the freedom of a people". The fact that India is prepared to discuss all differences with Pakistan in accordance with the letter and spirit of Tashkent Declaration and to settle those differences by peaceful means in a spirit of good-neighbourly relations does not mean and cannot mean that India must give up its stand in regard to the status of the Indian State of Jammu and Kashmir. If each side were to insist on preconditions, would we not be entitled to say to Pakistan that it must first not only give up its point of view on Kashmir but also, as a prior condition for talks, vacate two fifths of Indian territory in Jammu-Kashmir that it illegally occupied and still occupies? Mr. President, in our reading of the letter of the Tashkent Declaration and in our appreciation of its spirit, what is required to

be done by the leaders of the two countries is that they must sit down and settle all their differences without conditioning the settlement of one dispute on the settlement of another. It is necessary to recall that at the time of signing the Tashkent Declaration, "each of the sides set forth its respective position" on Jammu and Kashmir and this fact is mentioned in article I of the Declaration. Recognizing this absence of reconciliation of the respective view points on Jammu and Kashmir, India and Pakistan agreed to take several steps mentioned in article II to IX of the Tashkent Declaration. Article IX has special significance in the present context. It states: "The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken". The present effort of Pakistan to refuse to implement this article and to make it contingent on what Pakistan chooses to describe as "meaningful talks" on Jammu and Kashmir is contrary to the provisions of the Tashkent Declaration.

The second point which I wish to clarify, Mr. President, relates to the ministerial meeting between India and Pakistan in March of this year. The Foreign Minister of Pakistan has made reference to the communique issued after that meeting. The operative part of the communique is that the two parties will meet again and discuss all their differences. In spite of India's best efforts to start these talks, the intransigence of Pakistan has not made it possible for a further meeting as contemplated in the communique issued after the Rawalpindi talks in March this year. The Foreign Minister of Pakistan did not, perhaps he could not, refer to the substance of the discussion held in March. This is so perhaps because he was not present at the talks. Since I led the delegation of India to that ministerial meeting, I can speak with some authority and assurance in regard to the attitude taken by India then—an attitude which remains the same today. It is that regardless of differences between the two countries, indeed because of those very differences, the most important provision of the Tashkent

Declaration, that is restoration of normal relations between the two countries, must be brought about by all possible means. As we in India see it, Mr. President, the way to the settlement of all differences is not to put conditions towards the conclusion of agreement on all problems at one and the same time. What Pakistan desired in March this year was that even though the two countries might arrive at an agreement on a specific issue between the two countries that agreement could not be implemented as long as there was no settlement of the question of Kashmir. Now, Mr. President, the Tashkent Declaration has been registered with the United Nations. Its copies are available to all delegations, and I invite all those who are interested, to study the document. There is no basis in that Declaration to support the thesis of Pakistan that restoration of normal relations between the two countries, in other words, settlement of differences between the two countries could not come about unless there was first an agreement on the question of Kashmir.

Mr. President, as recently as last month, we have offered to Pakistan to hold discussion on all outstanding issues between the two countries without any preconditions. To our deep regret, and I believe to the deep regret of this Assembly, Pakistan has once again rejected our offer. Today, the Foreign Minister of Pakistan has come to this Assembly and complained that India is not prepared to implement the Tashkent Declaration. Mr. President, on behalf of India, I would like to reiterate that India continues to adhere to the Tashkent Declaration in letter and in spirit and is ever ready to start talks for settling all the differences between India and Pakistan by peaceful means in a spirit of good neighbourly relations and with a view to reverse the deteriorating trend of the relationship between the two countries. I make this offer here and now to the Foreign Minister of Pakistan. Let us sit down and discuss ways and means of implementing all the provisions of the Tashkent Declaration.

Mr. President, before I conclude I would like to quote from a statement made by the Prime Minister of India, to the Afro-Asian group here on April 1, 1966. She said and I quote "It is

not enough that there should be peaceful co-existence among the great powers of the world, we should also set an example and co-exist peacefully among ourselves. The essentials for peaceful co-existence are the determination not to use force and not to intervene in each other's affairs and the desire to settle all disputes by peaceful means. It is in this spirit that India, less than three months ago, signed the Tashkent Declaration with Pakistan in which the two countries reaffirmed their obligations under the Charter, not to use force but to settle their disputes through peaceful means. The Tashkent Declaration provides India and Pakistan with a new framework in which to restore normal and peaceful relations between the two countries and to promote understanding, and friendly relations between the two peoples. The underlying concept of the Declaration was the deep conviction that peaceful relations between India and Pakistan are vital for the maintenance of their political independence and the achievement of their economic and social development. If all the provisions of the Declaration are implemented faithfully in letter and spirit, an atmosphere will be created in which all differences between the two countries can be settled peacefully. Political problems with emotional overtones—and there are strong emotions on both sides in this problem—cannot be solved unless the peoples of both countries appreciate the vital necessity of peaceful and friendly relations between them”.

After the Minister of External Affairs, Sardar Swaran Singh, had replied to the Pakistan Foreign Minister's earlier statement in the General Assembly on September 29, the Pakistan Foreign Minister again took the floor to make a brief statement. Replying to this statement; Sardar Swaran Singh said:

I must apologise for asking for the floor. I thought that I had said in very categorical terms that India is prepared to enter into discussions without any preconditions and that in such discussion each side will be fully justified in raising any point. I said also that India would be prepared to discuss any matter raised by the Pakistan delegation, just as the latter should be prepared to discuss any matter raised by India.

The fact that the Foreign Minister of Pakistan could anticipate what I would say and, therefore, came with a prepared text to reply to it only show that we are going through this exercise, knowing each other's point of view and trying to meet it by statements and counter statements.

I do not wish to delay the Assembly by taking any more time. I make this appeal to the Foreign Minister of Pakistan. Let us begin talks in right earnest, and not just continue to exchange diplomatic notes or statements and counter-statements on the floor of the General Assembly. There is no substitute for direct talks and no substitute for trying to understand each other's point of view. Let us devote ourselves to improving the relations between our two countries. It is only by adopting that attitude that the people of India and the people of Pakistan can live in peace and friendship and good-neighbourly relations, an objective which is very dear to us and, I hope, dear also to Pakistan.

E

Statement of the Foreign Minister of Pakistan dated 1 August 1968

My attention has been drawn to a recent press report stating that the Indian Prime Minister had declared that India was not obligated under the Tashkent Declaration to settle the Kashmir dispute with Pakistan.

The world knows that the Tashkent meeting was arranged at the wise initiative of Mr. Kosygin as a follow through to the UN Security Council resolution of 20 September 1965 which had brought an end to the armed conflict between the two countries over Jammu and Kashmir. It is not secret that the Kashmir dispute formed the hard core of talks in Taskent. In fact, Article IX of the declaration provided a machinery for settling disputes existing between the two countries. Kashmir is the basic and the most important dispute. Therefore, it follows that contrary to the impression which Mrs. Gandhi has sought to create, India is very much obligated to settle the Kashmir dispute in terms of the Tashkent Declaration.

I am not surprised at India's attempt to deny the existence of its commitment under a solemn agreement. On one excuse or the other, India has not fulfilled its pledge to hold a plebiscite in Jammu and Kashmir and it continues to deprive the people of the State of the exercise of their right of self-determination. Not to mention the Taskent Declaration, what has India done to fulfil its pledge to hold a plebiscite in Jammu and Kashmir or to meet the obligations under the UNCIP resolution of 13 August 1948 and 5 January 1949?

India's latest attempt to wriggle out of its commitment merely highlights its equivocal attitude and make-believe posture towards negotiations with Pakistan on Kashmir and other unresolved issues between the two countries. At one time India claimed that it is prepared for discussions with Pakistan on all subjects including Kashmir, at any time, at any level and at any place. Yet, the Indian Prime Minister says that "India has nothing to negotiate with Pakistan on Kashmir". The highly organised propaganda machine in New Delhi goes on repeating professions of India's good-will towards Pakistan. Yet India is not prepared to have meaningful talks with Pakistan on the Kashmir dispute which has twice led the two countries to war.

Whatsoever the Indian leaders may say, the Kashmir issue has not been foreclosed. Nor will this dispute disappear by India's unilateral repudiation of international agreements. Statesmanship demands that India should face the reality of the situation and join hands with Pakistan in an earnest effort to find a just and equitable solution of the bitterness and blood between our two countries. Pakistan will always be ready to co-operate with India in this effort which could lead to the establishment of genuine peace and amity in the subcontinent.

15. Indo-Pakistan Agreement of 22 January 1966 on Withdrawal of Troops

The agreement signed in New Delhi on January 22, 1966 between the Chief of Army Staff, India, and the Commander-in-Chief, Pakistan Army, for disengagement and withdrawal of troops provides for the disengagement of troops within five

days, the dismantlement of defences in occupied territory in 21 days thereafter and the complete withdrawal of troops by 25 February, 1966, as provided for in the Tashkent Declaration.

The disengagement in the plains areas, generally, will be by withdrawal by either side to a distance of 1000 yards from the line of actual control. In hill areas the two sides will keep to the features in their possession, except where they are considered too close. In such case mutually agreed withdrawal will be arranged by local commanders.

Apart from providing for dismantling of defence works the agreement provides for continuing of existing restrictions on flights of aircraft and disallows firing of weapons or explosives within 10,000 metres of the line of actual control. The good offices of UNMOGIP and UNIPOM will be utilised in achieving the disengagement and dismantling of defences.

While withdrawals will be completed by 25th February, 1966, everywhere, earlier sector-wise withdrawal is envisaged wherever dismantling of defences has been completed. On completion of withdrawals the Ground Rules 1961 will again become operative.

The agreement provides for meeting of Sector Commanders and further meetings between the Chief of Army Staff, India, and the Commander-in-Chief, Pakistan Army, to resolve any points of dispute and for the use of the good offices of Maj.-Gen. Marambio in case of need.

The agreement further provides for meeting of local commanders in the Eastern sector to reduce tension by arranged withdrawals, as considered necessary. It also lays down that Border Security Forces of either side will not open fire across the border, and where an incident of firing takes place it will be investigated jointly by representatives of the two countries. Liaison will be maintained between the commanders as provided for in the Indo-East Pakistan Border Ground Rules, and quarterly meetings will be held to assess the working of the agreement in practice.

The following is the text of the Agreement:

INTRODUCTION

This agreement is in Four parts:

- Part I—Procedure concerning the immediate disengagement of troops and reduction of tension;
- Part II—Procedure concerning the withdrawal of troops from the occupied areas;
- Part III—Procedure concerning reduction of tension in the Eastern Sector;
- Part IV—General Points.

PART I**DISENGAGEMENT OF TROOPS AND REDUCTION OF TENSION***Phase-I*

Both forces will withdraw 1,000 yards from the line of actual control in sectors as specified below:

- (a) RAJASTHAN/SIND
- (b) AMRITSAR/LAHORE
- (c) JAMMU/SIALKOT
- (d) AKHNUR/CHHAMB (from River CHENAB NW 8061 to MAWA WALI KHAD NW 7770).

In all other sectors including sectors divided by the 1949 Cease Fire Line, troops will continue to hold their respective picquets as by so doing they will be automatically separated from each other. The only exception to this will be where, in hilly terrain, opposing forces are at present considered to be too close to each other, each side will withdraw to a distance to be mutually agreed upon by the local commanders not below the rank of Brigadier.

[Note: In the Amritsar-Lahore sector, this 1000 yards withdrawal will be modified so that Pakistani troops who are actually on the West bank of the BRB Canal and Indian troops who are on the East bank of the BRB Canal facing each other will withdraw all armed personnel off the embankment to a distance of 200 yards on each side.

Unarmed personnel may, however, live move and work in this area.

The same principle will apply in Sulaimanki-Fazilka Sector, Hussainwala Sector and Khem Karan Sector.]

After the withdrawal in this phase no new defences of any kind will be prepared in occupied territory.

There will be no movement of armed military, para-military or police personnel either armed or unarmed within the demilitarised zone and no civilian personnel will be permitted within it by either side.

The period for completion of this phase will be five days.

Phase-II

In this phase both sides will remove and nullify all defences which will include the:

- (a) lifting of mines; and
- (b) dismantling of all other defence works, less permanent defence structures constructed of steel and cement.

The period for completing this phase will be twenty-one days which will commence immediately after the five-day period mentioned in para 5.

Working parties for this purpose will be found by unarmed military personnel in uniform. No civilian or civil labour will be used for these tasks.

While every effort will be made to dismantle all defence works within the specified period, where owing to weather and other conditions it is not possible to complete this, the uncleared areas so left will be clearly marked and a sketch of these given to the other side.

There will be no firing of weapons or use of explosives within 10,000 metres of the line of actual control. Where explosives have to be used to dismantle defence works, this will only be done under supervision as specified later and after due intimation to the other side.

The present agreement affecting restriction on flights of aircraft will continue to apply.

To ensure that the action agreed to in PART I above is being implemented in letter and in spirit, the good offices of UNMOGIP and UNIPOM will be utilised. In the event of a disagreement, their decision will be final and binding to both sides.

PART II

WITHDRAWAL OF TROOPS FROM OCCUPIED AREAS

After the dismantling of defences has taken place, all troops, para-military forces and armed police who are now on other side of the international border and Cease Fire Line, will be withdrawn. This withdrawal will be completed by 25 February 1966. If in any particular sector or part of a sector, the dismantling of defences has been completed earlier than the last date specified, withdrawal may be sectorwise if mutually agreed to.

During this withdrawal, there will be no follow up by civilians, armed military, para-military or police personnel until 25 February 1966. Only unarmed military personnel at a strength mutually agreed upon at the sector level may move into these unoccupied areas for normal police duties (*see* paragraph 16 below).

After troops of both sides have crossed into their own territory, the procedure which was being followed by Pakistan and India before 5 August 1965, for the security of the international border and the Cease Fire Line, will apply. Attention is drawn to Ground Rules 1961 for West Pakistan/Punjab, Rajasthan and Gujarat (India).

It is essential that under all circumstances troops must move out of occupied areas by 25 February 1966, even if the dismantling of defence and lifting of mines have not been completed.

For immediate settlement of any points of dispute that may arise, sector commanders not below the rank of Major General will be designated by name and appointment both by India and

Pakistan who will meet to settle the differences. Telephone or R/T communication will be established between these designated sector commander and will be permanently manned.

Any matter on which there is disagreement will be referred to the C-in-C, Pakistan Army, and COAS, India, for their joint decision. If the issue is still not resolved by them the good offices of Major General T. Marambio will be utilised and his decision will be final and binding on both sides.

PART III

REDUCTION OF TENSION IN THE EASTERN SECTOR

The limit of withdrawal in the Eastern Sector will be left to local commanders not below the rank of Major General to mutually decide where necessary, in consultation with the civil authorities concerned. Both sides will arrive at a working agreement as soon as possible.

Border Security Forces consisting of armed para-military units, police or any other irregular forces of both sides will not open fire across the border under any circumstances.

Any encroachments across the border will be dealt with through apprehension of personnel concerned and thereafter handling them over to civil authorities.

In any case where firing takes place across the border it will be investigated on the spot by a joint team consisting of border personnel from both sides within 24 hours of occurrence. Brigade Commanders/DIGs responsible for this investigation will be designated by name and appointment sectorwise for West Bengal, Assam and Tripura by India and for the adjoining areas of East Pakistan by Pakistan.

Liaison between commanders and telephone communications at various levels will be established as given in paras 12 and 13 of the Ground Rules for Indo-East Pakistan border.

To ensure that the above agreement is fully implemented, quarterly meetings will take place between Army and Police authorities of India and Pakistan, alternately in India and Pakistan, to assess the extent to which the agreement is working in practice.

These are a supplement to the Ground Rules formulated by the Military Sub-Committee of the Indian and Pakistani delegations on 20 October 1959.

PART IV

GENERAL POINTS

In order to resolve any problems that may arise in the implementation of this agreement and to further maintain friendly relations between the two countries, the C-in C Pakistan and the COAS India will meet from time to time. The meetings will be held alternately in India and Pakistan and will be initiated by the respective Governments concerned.

Ground rules to implement this withdrawal agreement in the Western Sector will be formulated by Lieutenant General Bakhtiar Rana—Pakistan, and Lieutenant General Harbaksh Singh—India, under the Chairmanship of Major General T. Marambio as early as possible.

This agreement comes into effect as from 0600 hours IST/0630 hours WPT 25 January 1966.

(Source: Foreign Affairs Record)

16. Record of Discussion held on 10 February 1966, between the Chief of Army Staff, India and the Commander-in-Chief, Pakistan Army, regarding the Reduction of Military Forces in Kashmir

It was agreed that in the State of Jammu and Kashmir, the quantum of regular troops, para-military forces and armed civilians who may be considered to constitute a military potential, to be located in the State, will not be more than as accepted by UMMOGIP in the context of the 1949 Karachi Agreement. The bringing down of armed personnel to these numbers will be completed by 1 April 1966 and be certified as having been done by UNMOGIP.

The question of raising training and arming Mujahids, Razakars or armed irregulars in the State of Jammu and Kashmir who might in the terms of the 1949 Karachi Agree-

ment be considered to constitute a military potential was discussed. It was agreed what this matter would be referred to the respective Governments for their consideration.

The Sector Commanders now nominated along each sector of the 1949 cease-fire line will continue to meet from time to time to settle any points that may arise.

The Chief of Army Staff, India, stated that apart from civilians interned on the Sialkot-Lahore fronts who were being returned shortly under civil arrangements only about 20 more prisoners were left in India and these would be returned very shortly. The C-in-C, Pakistan Army, handed over a list of names of 376 Indian prisoners and stated that individuals would also be returned shortly.

With regard to the writ petition filed in the Indian Supreme Court concerning the vacation of areas in the State of Jammu and Kashmir, the Chief of Army Staff, India, stated that he would clarify this position by 17 February 1966.

It was agreed that a bridge as asked for by the UNMOGIP would be constructed near the URI check post by India and a maintenance post would be located there.

The Chief of Army Staff, India, C-in-C, Pakistan Army, exchanged views on other central points with regard to reduction of tension and decided to further discuss them at their next meeting.

3

India-Pakistan Conflict 1971

1. Report of the Secretary-General on the situation along the cease-fire line in Kashmir

In view of the request submitted by nine members of the Security Council for an urgent meeting of the Council "to consider the recent deteriorating situation which has led to armed clashes between India and Pakistan" [S/10411], the Secretary-General considers it appropriate to make available to the members of the Council the following information regarding the situation along the cease-fire line in the State of Jammu and Kashmir. This information is based on reports from Lieutenant-General Luis Tassara Gonzalez, the Chief Military Observer of the United Nations Military Observer Group in India and Pakistan (UNMOGIP), which is charged with the supervision of the cease-fire Agreement entered into by the parties at Karachi on 27 July 1949. The United Nations has no military observation machinery in any other part of the subcontinent.

The Chief Military Observer reported that the situation as of 29 November 1971 was as follows:

(a) Forces of both sides were deployed in battlepositions for the stated purpose of meeting a threat from the opposite

side. All formation (i.e. divisional) headquarters had also moved into tactical positions in the field.

(b) Both parties had contravened the Karachi Agreement by strengthening their forward defended localities, by laying minefields, constructing new unauthorized positions and constructing additional defences in authorized positions. The Indian military authorities stated that they had authorized commanders to prepare or construct any defences considered necessary for the security of their areas. The Pakistan military authorities asserted that they were taking defensive measures only as a reaction to a threat from India and would continue to do so as necessary, irrespective of the provisions of the Karachi Agreement.

(c) The Indian military authorities had admitted that, since 20 October 1971, they had strengthened their forces in Jammu and Kashmir by a considerable number, thus exceeding the authorized level of troops in Jammu and Kashmir under the Karachi Agreement, and that they would continue to do so as considered necessary for the security of Indian territory.

(d) The Chief Military Observer found that Pakistan had also introduced additional forces on its side of the cease-fire line in the State of Jammu and Kashmir, without (as of 29 November) exceeding the permissible level. This finding was not denied by the Pakistan military authorities.

(e) As from 21 October 1971 the Chief Military Observer had awarded "over-all" violations to both India and Pakistan for their breaches of the Karachi Agreement under the following categories, in respect of which one or both of the parties had in effect admitted systematic non-observance of the Agreement [see (a) and (b) above]:

- (i) Laying of new minefields;
- (ii) Reinforcing of existing defended localities with men and warlike stores;
- (iii) Strengthening of defences;
- (iv) The forward movement from outside the State

of Jammu and Kashmir of personnel other than for reliefs and maintenance.

Complaints of individual violations under these categories were being kept on record but, in view of the positions of the parties as indicated in (a) and (b) above, they would not as a rule be investigated until the parties resumed full observance of the Karachi Agreement.

(f) Complaints of individual breaches were still being investigated as usual, and violations awarded as appropriate, under the following categories:

- (i) Overflights;
- (ii) Entering the 500-yard zone;
- (iii) Crossing the cease-fire line;
- (iv) Firing and use of explosives within five miles of the cease-fire line;
- (v) Construction of new positions in the 500-yard zone or increase of defences in existing positions in that zone.

(g) Both India and Pakistan were continuing to use the machinery of UNMOGIP for lodging complaints of alleged cease-fire violations, and both were affording facilities and permitting the movement of United Nations military observers to carry out investigations. Apart from complaints alleging the strengthening of defences, complaints had been lodged since 21 October 1971 as followings:

- (i) Complaints by India alleging firing by Pakistan forces, 49; entering 500-yard zone, 5; crossing cease-fire line, 10.
- (ii) Complaints by Pakistan alleging firing by Indian forces, 28; entering 500-yard zone, 6; crossing cease-fire line, 2.

Violations have been awarded as appropriate.

(h) Current developments in East Pakistan naturally affected the climate along the cease-fire line in Kashmir and have caused tension to run high, resulting in a tendency

by both sides to exchange fire at the slightest provocation. However, such firing was in the main confined to small patrol clashes or firing from a post at a patrol moving into the 500-yard zone. Apart from one instance on 12 November 1971 where 81mm mortars were used, firing was confined to small arms and some 2-inch mortars.

(i) Both parties admitted that breaches of the Karachi Agreement were being committed by them for reasons which were said to be outside their military control, but they continued for the time being to use the machinery of UNMOGIP to prevent further escalation of the tense situation existing on the cease-fire line or a direct open confrontation between the two armies.

At 1300 hours WPT on 3 December 1971, United Nations Military Observers reported movements of tanks and infantry in the Bhimber sector of the cease-fire line. Shortly thereafter, the Pakistan Liaison Officer informed UNMOGIP that Indian forces had launched attacks along the cease-fire line and along the border.

On 3 December 1971, the Chief Military Observer, on the basis of reports from United Nations Military Observers, reported as follows:

(a) Srinagar airfield bombed at 1745 hours on 3 December.

(b) United Nations Military Observers at Field Station Punch reported at 2020 hours that Pakistan troops had crossed the cease-fire line at the Punch crossing point (NR 0567) at 1910 hours. At 2140 hours, the station reported that shelling had commenced from the India side of the line toward the Pakistan side and at 2256 hours it reported that the area of Punch was under fire from Pakistan artillery.

(c) Field Station Kotli reported at 2145 hours that small-arms fire from Pakistan pickets towards Indian pickets had commenced at 1930 hours and was continuing.

(d) Field Station Jammu reported at 2245 hours that heavy artillery fire from both sides had commenced at 2215 hours and was continuing.

(e) Field station Sialkot reported at 2250 hours that rounds of artillery were landing in their vicinity.

(f) Field Station Rajouri reported at 2250 hours that they had been informed by the local military authority that fighting was taking place along the cease-fire line from Punch to Naushera.

(g) The Chief Military Observer considers that hostilities along the cease-fire line have commenced, and he will instruct the military observers to remain at their stations.

At 1315 hours on 4 December 1971, the following communication from the Chief of Army Staff India was received by the Chief Military Observer:

"Pakistan without any provocation attacked from 1630 India Standard Time on 3 December all through the night our airfields Srinagar, Amritsar, Ambala (Panjab) Agra, Faridkot, Jodhpur (Rajasthan), Alwar (Rajasthan), Pathankot, and others.

"After these air attacks' Pakistani troops crossed the cease-fire line in many locations and crossed the border at West Fazilkot, West Ferozepore and West Dera Baba Nanak along the Amritsar-Lahore road. Pakistanis are still on the India side. Indians have not yet crossed the cease-fire line and the border, but Indian planes went for air attacks on the Pakistan side. An emergency is in effect in India from the night of 3 to 3 December."

On 4 December 1971, the Chief Military Observer reported at 1100 hours that during the past six hours ground activity along the cease-fire line had been relatively quiet, with no major incidents reported. There had been considerable isolated air activity on both sides. Reports from United Nations military observers were received as follows:

(a) Field Station Jammu reported at 0850 hours that Pakistan aircraft were over the city and being engaged by anti-aircraft artillery.

(b) Field Station Kotli reported at 0900 hours that two Indian jets were over the town, heading south west,

(c) Field Station Jammu reported at 0905 hours an air fight approximately 10 miles north west of Jammu.

(d) Field Station Bhimber reported at 0950 hours that two Indian jets had bombed the town. One bomb fell 200 yards from the Field Station, which is now operating from an underground shelter.

(e) Field Station Jammu again reported at 1010 hours Pakistan aircraft over-flying the city.

(f) UNMOGIP Headquarters Rawalpindi reported that at 1030 hours two Indian aircraft attacked Chaklala Airport, Rawalpindi, with rockets and cannon.

(g) Field Station Kotli reported at 1045 hours Indian aircraft attacking the airfield. Field Station Sialkot also reported Indian aircraft strafing the city. (UN Document No. S/10412)

The Chief Military Observer of UNMOGIP, Lieutenant-General, Luis Tassara Gonzalez, reported on 5 December 1971 at 1100 hours that sporadic air activity by both sides was continuing. Ground activity along the cease-fire line was very active during the past 24 hours, with almost continuous artillery, mortar and small arms fire. Reports from United Nations military observers were received as follows:

(a) Field Station Punch reported at 1306 hours on 4 December continuous artillery shelling between sectors Punch and Rawalakot.

(b) Field Station Baramulla reported at 1405 hours on 4 December that Chakothi/Uri checkpoint (NL 950110) had been closed owing to continuous firing across the cease-fire line.

(c) Field Station Punch reported at 1645 hours on 4 December sporadic artillery and mortar fire.

(d) UNMOGIP Office Srinagar reported at 1700 hours on 4 December that two Pakistan jets had overflown Srinagar at 1400 hours without attacking.

(e) Field Stations Sialkot and Jammu reported at 1700 hours on 4 December that one United Nations military observer had been permitted to cross the border between the two

stations. The military authorities on both sides had been reluctant to permit the crossing on the grounds that the observer's safety could not be guaranteed.

(f) Field Station Baramula reported at 0700 hours on 5 December continuous artillery and small-arms exchanges between the Baramula sector and the Domel and Rawalakot sectors.

(g) UNMOGIP Office Srinagar reported at 0700 hours on 5 December that three air raids had been carried out on Srinagar during the night. There were no further details.

(h) Field Station Punch reported at 0700 hours on 5 December continuous artillery fire.

(i) Field Station Rajouri and Bhimber reported at 0700 hours on 5 December continuous exchanges of artillery and small-arms fire across the cease-fire line.

(j) Field Stations Rajouri and Bhimber reported at 0700 hours on 5 December heavy artillery fire across the cease-fire line.

(k) UNMOGIP Headquarters Rawalpindi reported that at 0715 hours on 5 December two Indian jet aircraft attacked Chaklala airport, Rawalpindi, and destroyed the UNMOGIP aircraft [see para 2 (b) below].

Damage to United Nations facilities:

(a) Field Station Punch reported at 1645 hours on 4 December and one UNMOGIP jeep had been damaged, apparently by Pakistan artillery fire. There were no casualties.

(b) The Chief Military Observer reported on 5 December as follows:

"The United Nations aircraft Twin Otter 13808 was completely destroyed on the ground at Chaklala airport, Rawalpindi, at 0715 hours due to strafing by the Indian Air Force. There were no casualties."

The Twin Otter, which was the only aircraft available for the use of UNMOGIP, was chartered to the United Nations by the Canadian Government. That Government also provides the air crew, whose members have the status of United Nations

military observers. UNMOGIP's headquarters is established in Rawalpindi during the winter and in Srinagar during the summer.

(c) All vehicles and aircraft used by the United Nations in its peace-keeping operations are painted white and carry large blue United Nations markings.

(Source: UN Document No. S/10412/Add.)

The Chief Military Observer of UNMOGIP, Lieutenant-General Luis Tassara Gonzalez reported on 6 December 1971 at 1100 hours that on major change in the pattern of air and ground activity had taken place since his previous report. The area along the cease-fire line had been active, but no ground moves had been made by either the Indian or Pakistan military forces.

Reports from United Nations military observers as of 1700 hours on 5 December were received as follows:

(a) Field Station Baramula reported continuous artillery and small-arms exchanges between its sector and the Domel and Rawalakot sectors:

(b) Field Station Punch reported heavy artillery fire on the town of Punch throughout the day.

Reports from United Nations military observers as of 0700 hours on 6 December were received as follows:

(a) Field Station Punch again reported continuous and heavy artillery shelling in its sector. It also reported fifteen overflights by Pakistan aircraft, one of which bombed the town.

(b) Field Station Sialkot reported continuous heavy exchanges of artillery fire between its sector and the Jammu sector throughout the night. It also reported four raids by Indian aircraft in the Sialkot area.

(c) Field Station Jammu confirmed the exchanges of artillery fire between the Jammu and Sialkot sectors. The local military authority had advised the Station that the border crossing point on the road to Sialkot was closed. At first light in the

morning of 6 December, tanks and armoured personnel carriers were seen moving west towards the border.

(d) Field Station Baramula reported continuous exchanges of artillery and small arms fire in its sector. It also reported that eight Pakistan jets raided Baramula and Patna (NM 6021) at 0430 hours India Standard Time.

(e) UNMOGIP Office Srinagar reported that the Srinagar airport was strafed by Pakistan planes, but no action was observed against the city itself.

Periodic raids by Indian aircraft on Rawalpindi continued day and night. At 0715 hours on 6 December, three Indian jets attacked a fuel storage area near UNMOGIP headquarters. There was no damage to United Nations property.

(Source: UN Document S/10412/Add.2)

2. Text of the Agreement on Bilateral Relations between India and Pakistan Signed at Shimla on 2 July 1972

“(I) The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

“In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows”:

“(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the countries;

“(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally after

the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

“(iii) That the pre-requisite for reconciliation, good-neighbourliness and durable peace between them is a commitment by both countries to peaceful co-existence, respect for each other’s territorial integrity and sovereignty and non-interference in each other’s internal affairs, on the basis of equality and mutual benefit;

“(iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries of the last twenty-five years shall be resolved by peaceful means;

“(v) That they shall always respect each other’s national unity, territorial integrity, political independence and sovereign equality;

“(vi) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other;

“(II) Both Governments will take all steps within their power to prevent hostile propaganda directed against each other.

“Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them;

“(III) In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

“(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights;

“(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country;

“(iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible;

“(iv) Exchange in the fields of science and culture will be promoted.

“In this connexion delegations from the two countries will meet from time to time to work out the necessary details.

“(IV) In order to initiate the processs of the establishment of durable peace, both the Governments agree that:

“(i) Indian and Pakistani forces shall be withdrawn to their side of the international border;

“(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat of the use of force in violation of this line;

“(iii) The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of thirty days thereof.

“(V) This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

“(VI) Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations”.

Sd/-

INDIRA GANDHI
Prime Minister
Republic of India

Sd/-

ZULFIQAR ALI BHUTTO
President
Islamic Republic of Pakistan

3. Prime Minister Indira Gandhi's Speech on the Simla Agreement in the Rajya Sabha on August 2, 1973

This is an issue on which the entire world seems to be united. There has been tremendous enthusiasm for this Agreement and for the new spirit that they see awakened on our sub-continent. Where is the enthusiasm less? I wonder if my honourable friends have taken the trouble to examine this. Nobody has been quiet. But whose appreciation or enthusiasm has been muted? It is those People whose enthusiasm has been muted whenever there has been any question of the interest or strength of INDIA—I would even say that it is those people who have been actively againsts our interest. These are the voices in the world today which are not so strong and enthusiastic in favour of this Agreement. Would it be wrong if we say, as some honourable friends have said that this party is echoing those outside voices? I have no hesitation in repeating that what the Jana Singh wants in India is what the military regime in Pakistan had wanted in Pakistan. History has shown that this policy has failed. This is the picture, a picture of confrontation. When I spoke of toys, I did not mean that land was a toy. I was speaking about the conception or the attitude of demanding a tooth for a tooth and eye for an eye. That is not a mature attitude nor an attitude which in today's world can be advantageous to our country.

Neither is the spirit of bargaining, which another honourable friend has advised. We are not out to bargain. We are a mature people who have only one aim before us and that is how to make our country strong. And by strength we do not mean merely military strength. I think that is a small part of a country's strength. When we talk of strength, we mean the strength of the people. And that can come only when the people have understanding, when they have maturity and when the affairs of the nation are handled with a certain amount of sagacity and foresight. Nobody has made the claim for the Simla Agreement that all problems are solved. In fact I would say that this is simply not possible at any time anywhere in the world. Problems will always remain. Our endeavour is to

take each step so as to be in a better position to face the new problems that must arise. With the Simla Agreement India is in a better position to face the new problems that must arise. With the Simla Agreement India is in a better position to face the future. In fact I would say that the Simla Agreement is in pursuance of the domestic and the international policy which India has followed all these years. Since independence and even before independence this is what the Congress Party has believed in. It believed even then in friendship with all countries. I believed even then in the peace in the world and co-operative endeavour to end the poverty and the misery of the underprivileged of the world. At a time when we had no strength in our hands or in our voices we had no wealth, no armaments any thing, even at that time, we stood solidly by all those who were equally oppressed. We did not make the excuse that we had our own struggle and never could help the people of Africa that we could not pay attention to what was happening in Asia. On the contrary we stated this even though we were poor, we were weak, but whatever we had the strength of our voice our moral support or whatever we can give more than moral support, that we would be at the disposal of all those who were in similar situations. Whatever our relations with China today, India was the first and the only country which sent a medical team to China at that time. And in what conditions did this team live? I saw some of the members when they left and I saw them on their return. I could not recognise them when they came back. They looked more like skeletons. This was because of lack of food and lack of sleep. They could have refused to stay in such conditions and said; "We cannot work". But they had gone to do a job and they did it. This was the spirit. This was the spirit of our policies and it is in this spirit that we act today also.

We see that countries which has opposed us and which had abused us are one by one coming round to our policy. They may not use the word 'non-alignment'. But what does 'non-alignment' mean? It means that regardless of the political systems of our country and regardless of the attitude of a country, you can build bridges with that country. Between no two countries was there greater enmity than the United States

of America and China. In fact, if there is a certain amount of tension between us and the United States it was on this ground, namely our friendship with China and the Soviet Union. What do we find now? We are left behind and they are more *bhai-bhai* than anybody else. The best food is the Chinese food and the best medical treatment is Acupuncture. In the United States and many parts of Europe many think that the best is Chinese. Soon after a journey to the Soviet Union was arranged and there were some more embracings and hand shakes. What for? If any vindication or proof is necessary I do not think it is necessary—this shows ours is the right policy.

We stand for particular policies. Today a great change is taking place all over the world. More and more people are accepting certain realities. May be the US Administration, in spite of its new found friendship with some countries, is not changing. But we cannot ignore the fact that the young people of America are giving deeper thought to these matters. So the world is changing. We have been told by some Hon'ble Members that there have been other agreement with Pakistan. What has happened to them? And in spite of previous talks about peace, have there not been wars? There have been wars. We cannot deny this. But we cannot deny also that today the situation in India has changed. Today there is more political cohesion and greater unity amongst the people. In every way the country is stronger and I think that our people have better understanding of the problems of the country and are willing to sacrifice, to fight and to face the challenges of the future. There is a great change in Pakistan. It may be that the Pakistanis did not want that change. But the change is there regardless of whether they desire it or not. They cannot ignore that change. When we look at the situation, we cannot also ignore that this change has taken place. Even President Bhutto himself has admitted that he was the father of the policy of confrontation with India. He himself now acknowledges that the situation has changed today and that the need of the times is peace. So things have changed. Some opposition members have taken me and Sardar Swaran Singh to task, because we have not categorically asserted that we know that there will be no war, that we know that President Bhutto is a different man.

I don't do so. I am not used to making such categorical statements. I can only describe our assessment of the situation and I can also say with some assurance that so far I have not often been wrong in my assessment. So what I say is my assessment of the situation.

Some of the questions which are being put today, "How do you know that this will not happen?" "Peace will not be peagce", etc. These some questions were posed at the time of Bangladesh also. It was said very categorically, "You say the refugees will return. But we know that they will not return and we know that you will not able to send them back". They did not think that Bangladesh could be freed: But, all those events did happen, this is obvious to all. A hundred and one events are taking place every day which are equally true, equally relevant, which are not so tangible to the opposition or even to some of us. Nevertheless, these things are happening. There are vast forces at work in India, in Pakistan and all over the world. The question before us is this: do we encourage these good forces or do we put a spoke in its wheel? To my mind, this is a straight forward question before us. It is possible that one makes the best effort possible and yet one falls. But is that a reason to say that we should not make that effort? So we have made an effort and I believe that we have succeeded, insofar as we can, in the first step. I do not know whether at the second step we can go very much further. But I know that a beginning has been made from which it will be difficult for anybody to go back. If something untoward does happen, as I have said in the other House and at other places, if these is war, well, we are ready. Then we cannot say, "No. We have accepted peace and, therefore, we are not ready for this attack". But we will do everything possible to see that peace succeeds and succeeds with honour. Why? Because—I have said this many times peace is an ideal and we do believe in ideals. But, peace is also a necessity.

I have always believed and I do believe even today that India's major enemy is not Pakistan, it is not even the Big Powers which are interested in their spheres of influence, India's greatest enemy is the economic backwardness of the country. It is the poverty of the country. If we did not have

that heavy handicap, we could have done many things in the world. But, we have the handicap and nobody is going to help us to overcome it except we ourselves and we cannot overcome it unless we have peace. Therefore, peace is essential for our country and I believe that it is essential for Pakistan. I also believe that tension between the three countries of the subcontinent, will always be a weakening factor and one which may be exploited by outside forces. So, the second question before us is this: do we want interference by outside forces or do we want to settle our affairs ourselves however difficult they may be? We have believed that we must settle differences amongst ourselves however, complex they may be and a beginning in that direction has also been made.

I am sorry, I have diverted from my point about Asian unity. I have spoken about Asia. I should like the countries of Asia to be united. But, unity for what purpose? You cannot have unity by giving up your ideals, values or your basic principles. In India, we follow a certain policy. Why? Not because we do not like America and so if America does something, we must we perverse and criticise America. Not at all. Personally I am not against America or any other country. But we disapprove of what US Administration is doing in Vietnam. We believe that this US action is not only against the interests of the people of Vietnam, it is against the interests of every country in Asia and every country in the world. But there are countries in Asia which are supporting this American policy. What can we do? We want to be friends with them. But we can't have that close friendship with them as we can with countries which agree with our policy.

Just a few months back, hon'ble members opposite were verely anxious that we should be friends with Taiwan. I do not known whether their enthusiasm is as great today. The enthusiasm of the Western countries in this matter is not only waning, it has completely collapsed. The situation is developing as we had always thought it would one day. We could not prophesy that it would happen in 1970, 1971 or 1972. But we know that it would happen.

We want the countries of Asia to stand together-not against

Africa or Latin America. We want them also. But when we can look after our own home first, only then can we be effective in a large circle. From that point of view, what happens in Asia is our more immediate concern. But we are equally interested in the peaceful development and progress of the under-privileged and developing countries of Africa and Latin America. But we can play a greater role in Asia, and therefore, we must at least try to solve the quarrels and tensions of Asia as soon as we can.

Hon'ble Members, I hope, will forgive me if I digress a little. If you look back into history, you will see that every country started with small units, gradually increasing. India is one country. We know that each of our States has some problems with neighbouring States. Now, they can quarrel and they can go to war as did the old rajas on all kinds of small and big matters or they can settle these matters peacefully. One State may suffer a little or another may suffer a little. But in the process we evolve something by which we can all become much stronger. And it is this that makes a nation. Fortunately, in our country we have that spirit in the States now. A number of long-standing problems of the States are being gradually solved, because each realises that by not coming to an agreement both suffer equally and the whole country suffers.

So we have to look at problems of friendship with Pakistan from that angle—not 'can we get something from Pakistan? Can Pakistan take something from us'? But 'can we create an atmosphere and a situation in which we can together face the far greater dangers outside that threaten us'?

The other point raised was: How was it that at first no agreement could be reached and then suddenly at the end there was agreement? Now, nothing happens so suddenly. There is preparation for whatever happens. You can say that war was won on a particular day. But we did not arrive at it suddenly; we were working towards that end all the time. The battle is on before the war: the preparation is there. When you are having talks, you proceed gradually. Immediate decision does not come because naturally during the talks you make certain points and so on. But the preparation is there all the time.

With every meeting you are moving. The agreement was signed at a certain time. Well, that was because of circumstances. A dinner had been arranged. It was a formal dinner; it could not be postponed. A press conference had been arranged; that could not be postponed. Obviously, the final thing had to wait until after all this was over. If we could have said, "Let us postpone these and finish the business" well, that business could perhaps have been completed by six o'clock. It need not have waited for so long. These are all small points.

It is not my intention to compare this agreement with the Tashkent one because as I have said, the situation, the circumstances in both the countries, the attitudes of the people, all are entirely different. But since my hon'ble friend opposite has quoted President Bhutto at such length I shall also refer to a remark. President Bhutto has said that he had not accepted the Tashkent Agreement. He did not accept it while he was in Tashkent. He went back and told his country he had not accepted it and, according to him, his country also did not accept. Well, whether it was so or not I do not know. He has said this. But the Simla Agreement he has accepted and other parties in Pakistan have accepted it. Whether we like him or not, he has also got elected with a fairly big majority. His party has the majority there but even in places where he has not, other parties have accepted the agreement. President Bhutto is trying, and I think trying with success, to get the people of Pakistan to accept it. Just as there are some voices in India against it, there are voices in Pakistan against it. So, this is also a big difference between the two agreements.

Now, I do not want to go into the business of the United Nations. Quite honestly, I am not bothered whether they go to the United Nations or whether they do not go to the United Nations. I am sure of ourselves, I am sure of whatever delegation we send there. If Pakistan goes to the United Nations we can meet them there. I have no fear of their getting away with anything at the United Nations. If they want to go to war—as I said, we do not want to go to war—as I said, we should like to do everything possible not to have war. But if they attack us, we are prepared for that also. I am not afraid of that. I have

full confidence in our armies; I have full confidence in our people. These are all false bogeys or red herrings to divert us from our real path.

Mention was made of opportunity. This was the very first opportunity we have had of making a new beginning towards peace and we have grasped that opportunity. If we had let this opportunity pass, I do not think it would have come our way again at least in this generation. So we have not let any opportunity go.

From the beginning we have taken a number of initiatives and we do not intend to let the initiative out of our hands. As in this country so abroad also our tactics have not been the tactics of confrontation even with the Jana Sangh much as they would like to provoke us. Occasionally, some of our Members do get provoked but I do not think that this gains us anything and I have never supported this sort of thing. My way of handling situations is entirely different here or anywhere. It is to work for a situation which is conducive to certain thinking and action. Now, the Jana Sangh was very vocal against socialism; we do not hear that now. The Jana Sangh was very vocal against non-alignment; we do not hear that now. And not only the Jana Sangh you will not hear such remarks from almost anybody in public now. A situation is created, a public opinion is created in which such remarks are not acceptable. It is in our hands to create a situation where on a larger screen, even in international affairs, certain things do not happen. I cannot prophesy that all will go as we want but we do have a certain strength, a certain initiative in our hands and if we can use it to good purpose that is a much better way than to aggravate the atmosphere of confrontation.

What is the test of a people's loyalty? The test is that every time there was an invasion of Kashmir the people of Kashmir stood solidly by India. Does this not show that they are with us. To doubt their loyalty and sincerity is not good. I should like to express my deep appreciation of the past that in spite of religion being evoked—and we know that when religion is

injected into any argument, people sometimes tend to lose, their rationality the people of Kashmir have been solidly with us in every crisis and I have no doubt that they will remain so. I am not afraid of my speeches.

There was some talk about our relations with our smaller neighbours. We want to have good relations with all our neighbours and we have done everything possible to convince them of our friendship for them, of our concern for them and of our desire to help them but whether the sort of jingoistic and chauvinistic speeches which are sometimes made in the House or outside, it is for the hon'ble Members themselves to consider, will inspire confidence in these small countries. If the feeling is created that we are out to get what we can in a chauvinistic manner, will these countries be confident of their safety, I am just posing the question.

So the basic issue before us is, what sort of world do we want? Are we concerned with the world or are we concerned only with India and we think that India can develop isolated from the world? The Jana Sangh, although born much later than our party, lives somewhat in the past and, if I may say so, they look further back, into the more remote past. We live in the present and we look to the future. It is only by looking towards the future and endeavouring to shape the future that the present can be made livable. And to make it livable we must have peace. We must have a constructive and creative attitude. The Simla Agreement, with all its faults, is a good step.

4. Shimla Agreement

Statement to the Press by H.E. Mr. Niaz A. Naik, Foreign Secretary of Pakistan

The Indian Foreign Secretary, H.E. Mr. M. Rasgotra, and I had most useful talks during the last two days in an atmosphere marked by mutual goodwill and cordiality. We have exchanged views on a number of international issues of com-

mon interest to both. As was expected much of our time was devoted to bilateral matters. We greatly value the spirit of such discussions which facilitate better understanding of each other's perceptions. On many international issues our views are same. We have been profoundly impressed by Mr. Rasgotra's deep understanding and by his lucid exposition of views of his Government. We took the opportunity to review recent developments in regard to the situation in Afghanistan and especially against the background of recent Geneva indirect discussions aimed at political settlement in Afghanistan. As you are aware, both Pakistan and India adhere to the declaration of the Non-Alligned Foreign Ministers meeting of February, 1981 and the Havana Declaration of June, 1982 which discussed the tragic situation in Lebanon resulting from the Israeli aggression, un-ending agony of the people of West Beirut and the travail of the Palestinas pitted against the overwhelming Israeli armed might and brutality has evoked profound feelings of outrage. More effective restrictions need to be imposed on the Israeli policy of aggression and expansionism.

In regard to the Iran-Iraq war, we shared the wish that this protracted conflict between the two neighbouring Non-aligned countries would end and thus spare the people of the two developing countries further loss of life and property.

We expressed our disappointment over the lack of progress in the North-South Dialogue and shared the imperative need to launch urgently the Global Negotiations on International Co-operation.

In regard to the bilateral matters, an exchange of views took place against the background of the discussions between the Foreign Secretaries of the two countries last January. We gave our draft of the Non-aggression Pact to India on 1st June. Towards the end of the same month, India sent us a draft agreement on the establishment of a Joint Commission. Now Mr. Rasgotra has given us the draft of a proposed Treaty of Peace, Friendship and co-operation between India and Pakistan an elaborate and multifaceted proposal which will require study.

We look forward for further exchanges of views. The Foreign Secretary of India has extended an invitation to the to visit India which I have accepted with pleasure. The Government of Pakistan desires good-neighbourly relations with India and we believe that its objective can be achieved on a step-by-step basis.

4

Kashmir Accord of 13 November 1974

The state of Jammu and Kashmir, which is a constituent unit of the Union of India, shall, in its relations with the Union, continue to be governed by Article 370 of Constitution of India.

The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare

measures, cultural matters, social security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to clause 2 of that Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential Order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are:

- (a) the appointment, powers, functions, duties, privileges and immunities of the Governor; and
- (b) the following matters relating to Election, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in section 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.

No agreement was possible on the question of nomenclature

of the Governor and the Chief Minister and the matter is therefore remitted to the principals.

Sd/- Mirza Mohammad Afzal Beg

Sd/- G. Parthasarthi

After signing the documents, Mirza Mohammad Afzal Beg wrote the acknowledgement letter to Mr. G. Parthasarthi on the same day, 13 November, 1974.

Camp New Delhi,
November 13, 1974.

Dear Shri Parthasarthy,

I have today signed the document containing the points on which we have reached agreement.

As you may recall, in the course of discussions we had on the various issues, I made proposals regarding the following matters:

- (i) The provisions relating to the fundamental rights to be incorporated in the State Constitution.
- (ii) The superintence, direction and control over elections to the State Legislature by the Election Commission should be removed.
- (iii) Article 356 should be modified to require the consent of the State before an order is issued thereunder, or some similar safeguard should be provided.

After prolonged discussions you did not agree to these proposals.

Kindly acknowledge receipt.

Yours Sincerely,
(Sd) Mirza Mohammad Afzal Beg

Shri G. Parthasarthi,
31, Aurangzeb Road.
New Delhi.

5

Joint Communiques

1. Joint Communique of 29 December 1962

On November 29, 1962, the President of Pakistan and the Prime Minister India agreed, in a joint statement, "to make a renewed effort to resolve the standing differences between their two countries on Kashmir and other related matters so as to enable India and Pakistan to live side by side in peace at friendship".

In pursuance of this decision, Sardar Swaran Singh, India's Minister for External Affairs, accompanied by his advisers, arrived in Rawalpindi on December 27 to initiate discussions with Mr. Zulfikar Ali Bhutto, Pakistan's Minister for Industries, Natural Resources and Works, and his advisers.

On the afternoon of his arrival, Sardar Swaran Singh called on the President of Pakistan, the Foreign Minister and Mr. Bhutto.

The two Ministers and their advisers met in a formal session on the morning of the 27th of December. The two Ministers held five meetings on the 27th, 28th and 29th of December, various aspects of the Kashmir problem were discussed. At the last meeting the Ministers were assisted by some of their

advisers. The discussions were marked by a spirit of cordiality and understanding and there was a free and frank exchange of views.

Sardar Swaran Singh extended an invitation to Mr. Bhutto to visit New Delhi to continue the discussions initiated at Rawalpindi with a view to finding an equitable and honourable solution. The Pakistan Minister accepted the invitation and indicated that he might be expected to arrive in New Delhi on the 15th of January, 1963.

The Ministers agreed to make a joint appeal to the leaders, officials, the press, radio, and other media of publicity in the two countries to help in creating friendly atmosphere for resolving the outstanding differences on Kashmir and other related matters and to refrain from any statements, criticism or propaganda which might prejudice the success of these negotiations or tend to create discord between the two countries.

Sardar Swaran Singh left for New Delhi in the afternoon of the 29th of December.

Rawalpindi, 29 December 1962.

2. Joint Communique of 19 January 1963

Pursuant to the decision taken on December 29, 1962, at Rawalpindi, Mr. Zulfikar Ali Bhutto, Pakistan's Minister for Industries and Natural Resources and Works, accompanied by his advisers, arrived in New Delhi on January 15, 1963 to resume talks with Sardar Swaran Singh, India's Minister for Railways, on Kashmir and other related matters.

On the morning of January 16, 1963, Mr. Zulfikar Ali Bhutto placed a wreath on the *samadhi* of Mahatma Gandhi and later called on the President and the Prime Minister.

During the course of his stay in New Delhi, the Pakistan Minister also called on the Vice-President, the Minister of Finance, the Minister of Home Affairs and the Minister of Railways.

The two Ministers and their advisers met in a formal session in the afternoon of January 16, at Rashtrapati Bhavan. The two held 10 meetings on January 16, 17, 18 and 19, at which various aspects of the Kashmir problem were discussed; the advisers assisted their Ministers at some of these meetings. The advisers also met among themselves a number of times, to give detailed consideration to the problem of Kashmir and to seek an agreed approach to its settlement. The discussion were frank and cordial the attitude of the two sides was constructive throughout.

Mr. Z. A. Bhutto invited Sardar Swaran Singh to visit Karachi to continue the discussions with a view to finding an equitable and honourable solution of Kashmir and other related problems that would enable India and Pakistan to live side by side in peace and friendship. In accepting the invitation, Sardar Swaran Singh said he would be glad to visit Pakistan in the early part of February.

Mr. Zulfikar Ali Bhutto and his advisers left for Karachi on the evening of Saturday, January 19.

New Delhi, 19 January 1963.

3. Joint Communique of 11 February 1963

On November 29, 1962, the President of Pakistan and the Prime Minister of India had issued a Joint Communique "to make renewed efforts to resolve the outstanding differences between their two countries on Kashmir and other related matters so as to enable India and Pakistan to live side by side in peace and friendship".

In pursuance of the decision, discussions were held between Mr. Zulfikar Ali Bhutto, then Pakistan's Minister for Industries, and Mr. Swaran Singh, India's Minister for Railways, first at Rawalpindi and then at New Delhi. At New Delhi, the two Ministers had agreed that talks would be continued at Karachi in the early part of February, 1963.

Mr. Swaran Singh, accompanied by his advisers, arrived in Karachi on the afternoon of February 7 to resume these discussions.

On the morning of February 8, Mr. Swaran Singh placed a wreath on the Mazar of Quaid-i-Azam Mr. Mohammad Ali Jinnah, and later called on Mr. Zulfikar Ali Bhutto, Minister for External Affairs of Pakistan.

The two Ministers and their advisers met in a formal session on the morning of February 8 at the State Bank of Pakistan. The Ministers held several meetings at some of which they were assisted by their senior advisers. The advisers also met to give detailed consideration to the various aspects relevant to the settlement of the Kashmir problem.

The two Ministers agreed that a further exchange of views on these aspects was necessary. Accordingly, Mr. Swaran Singh invited Mr. Zulfikar Ali Bhutto to continue the discussions in Calcutta from March 9th to 12th. Mr. Bhutto accepted the invitation.

Mr. Swaran Singh and his advisers left for New Delhi on the morning of February 11.
Karachi, 11 February 1963.

4. Joint Communiqué of 15 March 1963

On the conclusion of the third round of the Indo-Pakistan talks on Kashmir and other related matters at Karachi, Sardar Swaran Singh, Indian Minister for Railways, invited Mr. Zulfikar Ali Bhutto, Pakistan Minister for External Affairs, to continue the discussions on Kashmir and other related matters at Calcutta in March, 1963.

Mr. Zulfikar Ali Bhutto accepted Sardar Swaran Singh's invitation and arrived in Calcutta on March 12, 1963, with members of the Pakistan delegation from Dacca.

Soon after his arrival Mr. Bhutto called on the Governor of West Bengal, Miss Padmaja Naidu and the Chief Minister, Mr. P.C. Sen.

The delegations of India and Pakistan met in a formal conference at Raj Bhavan, on 12th March 1963. After brief

speeches by leaders of the two delegations, it was decided that Sardar Swaran Singh and Mr. Zulfikar Ali Bhutto should meet separately to resume their discussions on Kashmir and other related matters.

Sardar Swaran Singh and Mr. Bhutto held several meetings on 12, 13 and 14th March. At some of these meetings they were assisted by their advisers.

Sardar Swaran Singh has accepted Mr. Zulfikar Ali Bhutto's invitation for further discussion of Kashmir and other related matters at Karachi from April 21.

Mr. Zulfikar Ali Bhutto accompanied by his delegation left for Dacca on the morning of March 15, 1963.

15 March 1963.

5. Joint Communique of 23 April 1963

On the conclusion of the fourth round of the Indo-Pakistan talks on Kashmir and other related matters at Calcutta on March 15, 1963, Mr. Zulfikar Ali Bhutto, Pakistan Minister for External Affairs had invited Sardar Swaran Singh, Indian Minister for Railways, to continue the discussions at Karachi in April, 1963.

Sardar Swaran Singh accepted the invitation and arrived in Karachi on April 21, 1963, with members of the Indian Delegation.

The Delegations of India and Pakistan met in a formal session on the morning of April 22 at the State Bank of Pakistan. The two Ministers met in the afternoon, without advisers, and resumed the discussions. The two Ministers, assisted by their advisers, continued the talks on April 23, 24 and 25 and held five meetings at which various aspects of the Kashmir problem were discussed.

The leaders of the two Delegations agreed to continue the talks in New Delhi on May 15, 1963.

25 April 1963.

6. Joint Communiqué of 16 May 1963

On November 29, 1962, the President of Pakistan and the Prime Minister of India issued a Joint Statement calling for renewed effort to be made to resolve the outstanding differences between their two countries on Kashmir and other related matters, so as to enable India and Pakistan to live side by side in peace and friendship. In that Statement, the President of Pakistan and the Prime Minister of India agreed the discussions should be held at an early date, initially at the Ministerial level, with the object of reaching an honourable and equitable settlement.

In pursuance of this decision, Mr. Zulfikar Ali Bhutto, the Pakistan Minister for External Affairs and Sardar Swaran Singh, the Indian Minister for Railways, held a number of meetings, spread over six sessions between December 26, 1962 and May 16, 1963. These meetings were held at Rawalwindi, New Delhi, Calcutta and Karachi and were frank and cordial throughout.

At the end of the last meeting which concluded today, the two Ministers recorded with regret that no agreement could be reached on the settlement of the Kashmir dispute.

Mr. Zulfikar Ali Bhutto and his Advisers who had arrived in New Delhi on May 14, 1963 for these talks, left for Karachi on May 16, 1963.

16 May 1963.

7. Joint Communiqué of Pakistan—China Issued on February 23, 1964

At the invitation of Field Marshal Mohammad Ayub Khan, President of Pakistan, H.E. Mr. Chou En-lai, Premier of the State Council of the People's Republic of China paid an official visit to Pakistan. He was accompanied by Marshal Chen Yi, Vice Premier and Minister of Foreign Affairs and Madame

Chen Yi and high officials of the Chinese Government. In the course of this visit, Premier Chou En-lai and his party were accorded a warm reception everywhere.

2. The Prime Minister had a friendly exchange of views with the President of Pakistan. Their discussions covered the general international situation and the need for safeguarding world peace and, in that context, the importance of achieving general disarmament, including the total prohibition and destruction of nuclear weapons. They also reviewed recent developments in this region and arrived at a fuller understanding of matters of common interest to the two countries.

3. The President and the Prime Minister expressed satisfaction at the fact that the relations between the two countries had developed further since the Prime Minister's last visit to Pakistan in 1956, particularly since the signing of the Pakistan-China Boundary Agreement in March 1963.

The President and the Prime Minister agreed that the border dispute between India and China should and can be resolved peacefully through negotiations. They expressed the hope that the Kashmir dispute would be resolved in accordance with the wishes of the people of Kashmir as pledged to them by India and Pakistan. It would be of no avail to deny the existence of these disputes and to adopt a big-nation chauvinistic attitude of imposing one's will on others. Massive military preparations have never been the answer to international differences; they only create new tensions and bring added burdens to the people. An early settlement of these disputes, they considered, was necessary in the interest of world peace and the well-being of the peoples of Asia.

8. India-Pakistan Joint Communiqué of 2 March 1966

A Ministerial meeting between India and Pakistan was held at Rawalpindi on 1 and 2 March to discuss matters of direct concern to the two countries in further implementation of the Tashkent Declaration.

2. The Indian delegation consisted of:

1. Sardar Swaran Singh, Minister for External Affairs;
2. Mr. N. Sanjiva Reddy, Minister for Transport, Aviation, Shipping and Tourism;
3. Mr. Manubhai Shah, Minister for Commerce and their advisers.

3. The Pakistan delegation consisted of:

1. Mr. Zulfikar Ali Bhutto, Minister for Foreign Affairs;
2. Mr. G. Faruque, Minister for Commerce;
3. Khan A. Sobur Khan, Minister for Communications and their advisers.

4. The two sides proposed for discussion and settlement subjects to which they attached high priority in the interest of peaceful and good neighbourly relations between India and Pakistan. The Pakistan side pointed out the special importance of reaching a settlement of the Jammu and Kashmir dispute. Both sides agreed that all disputes between India and Pakistan should be resolved to promote and strengthen peace between the two countries.

5. Considerable progress was made in clarifying the issues involved. The talks, which were of an exploratory nature, led to useful exchange of views. Both sides agreed to meet at a later date.

9. China-Pakistan Joint Communiqué of 31 March 1966

The Chairman and the President stressed that the Kashmiri people's right of self-determination must be respected and that the Kashmir dispute should be settled in accordance with the wishes of the Kashmiri people as pledged to them by both Pakistan and India. The President reaffirmed that the Pakistan

Government will continue to support the Kashmiri people's struggle for self-determination. The Chairman reaffirmed the firm support of the Chinese Government and people to the righteous stand of the Pakistan Government on this dispute and the just struggle of the Kashmiri people for their right of self-determination.

